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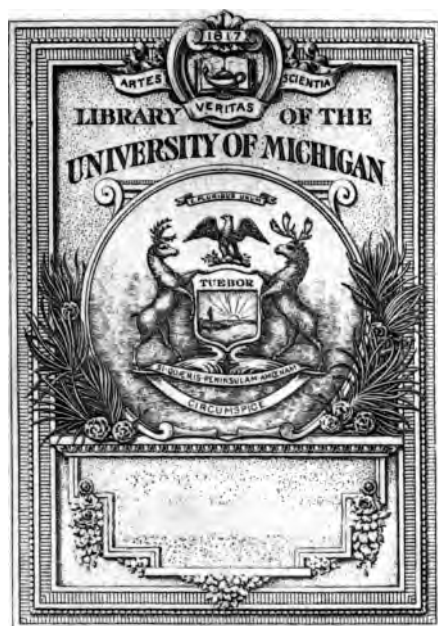
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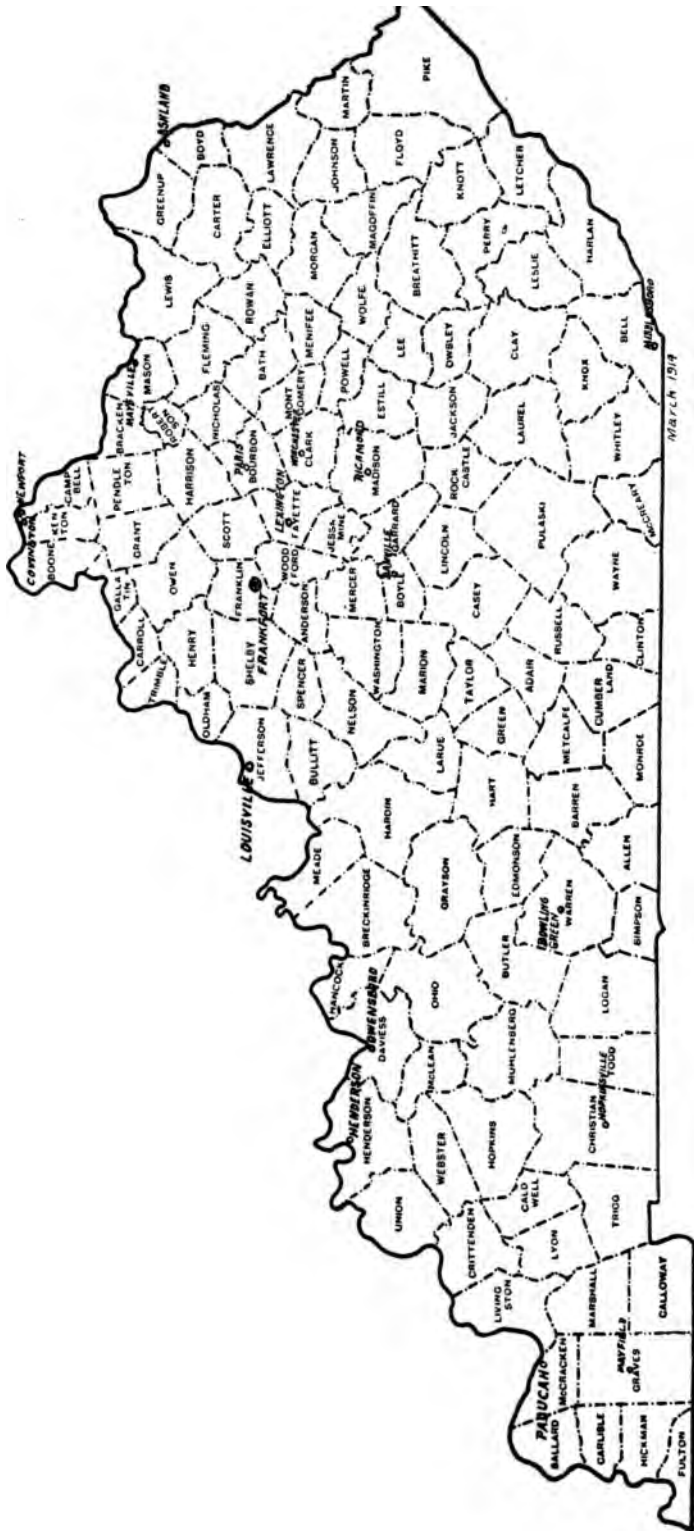
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KENTUCKY



CHILD WELFARE IN KENTUCKY

New York

An Inquiry by The National Child Labor Committee, for the
Kentucky Child Labor Association and the
State Board of Health

Under the Direction of
Edward N. Clopper, Ph. D.

National Child Labor Committee

INCORPORATED

105 EAST 22ND ST.

NEW YORK CITY

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COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR
FRANKFORT

April 7, 1919.

National Child Labor Committee,
105 E. 22nd Street,
New York.

Gentlemen:

I take pleasure in extending to this Committee and to the efficient and expert officers whom you have been good enough to send to the State of Kentucky a most cordial welcome on the part of the people of this Commonwealth.

I cannot too heartily commend this great and philanthropic enterprise. They who have given so cheerfully of their time and their treasures to alleviate the sufferings of childhood in this and other states deserve the commendation and gratitude of all mankind.

With every good wish for your success in this noble work, I am,

Very truly yours,

(Sgd.) A. O. STANLEY.

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INTRODUCTION

EDWARD N. CLOPPER

Kentucky neglects her children. The several chapters of this volume offer no escape from this conclusion. Measures for health, care, protection, schooling and play are inadequate and laws are not properly observed. Individual instances of the finest types of child welfare work exist in the leading cities and in many of the smaller communities, indicating the possibilities for the whole state when once a unified and co-ordinated plan is developed.

There are in the state about 1,200,000 boys and girls under 20 years of age, of whom 20 per cent. live in urban homes and 80 per cent. in rural districts. The welfare of children, therefore, is chiefly a matter of dealing with rural conditions, and yet in spite of this fact the children of cities and their environment have so far had the lion's share of thought and effort; this preferential treatment must give way to a fairer policy by which the needs of all receive proper consideration.

With a small appropriation for public health work and with very few full-time health officers it is no wonder that epidemics are frequent; that the death rates for such diseases as tuberculosis, typhoid fever, diphtheria, measles and whooping cough, while appreciably lowered in the past 10 years, are high; that trachoma is common among children in the mountain section and is said to be increasing in spite of efforts to check it; that smallpox is still prevalent in parts of the state; and that pellagra is widespread in the southeastern counties. But it is encouraging that the death rate for malaria is decreasing and that hookworm, of which children especially are the victims, has been largely brought under control. Instruction in hygiene as given in the schools, and especially in the rural schools, is primitive and ineffectual. Medical school inspection and school nursing service are provided for in but few places. Sanitation in many rural homes is rudimentary or wholly absent.

State and county administration of public schools is subject to the uncertainties of politics. The offices of state superintendent of public instruction and of county superintendent of schools are gained only through political activity and campaigns for support at the polls. The salary of a county superintendent of schools is so limited by law that competent persons ordinarily will not consider the position, although cities are not restricted either by a system of political preferment in selecting superintendents or by the fiat of law in fixing their pay. Local taxes are too low for the development of good schools, and because state funds alone are sufficient to keep poor

schools open for six months, many districts are content to make shift with such provision and lull to sleep all sense of their own responsibility. This indifference to duty and to the rights of children will prevail until the people are obliged to comply with a higher standard of local taxation. Rural elementary schools are held in archaic buildings, poorly equipped, with poorly paid teachers, using poor methods. Owing to the lack of good roads there has been but little consolidation. The cities have better schools, but because of the low salaries there is difficulty in getting and holding the teachers. Compulsory attendance is spasmodic in the smaller cities, and weak in both law and enforcement in rural districts. Boys and girls are absent from school principally because of work, illness and indifference. Opportunity to attend high school is frequently denied to country children. More than 6,500 children over 10 years of age are illiterate.

In the mountains the whole family must work hard to maintain even a low standard of living, and primitive homes, polluted water, disease, poor schools and loss of land ownership are common. The present development of the rich natural resources of this section by outside capital is accompanied in a few instances by constructive social service that will undoubtedly have a marked beneficial effect, and the settlements, special schools and other agencies that have been at work here for years have contributed in no small degree to the improvement of conditions within their areas of influence, but the task of raising the standard of life in this great region is beyond the reach of such limited individual undertakings.

In the Blue Grass region farm tenancy is on the increase and the children of the tenants bear an unduly large share of the burden this condition imposes, while others more fortunately situated enjoy unusual advantages. Even in this favored region there is indifference to the development of rural schools.

In parts of the western section, isolation and the consequent absence of community spirit hold back the growth of good schools, roads, housing, water supply, health and land ownership; on the other hand, the encouragement of co-operative marketing and community clubs by county farm agents is hopeful because the farmer's progress, and therefore the welfare of most of Kentucky's children, depends upon organization.

The juvenile court law is generally disregarded in rural districts. In some places, police courts sentence children. At times, children are kept in jail, some awaiting trial, others serving sentences. Some county judges do not distinguish between children and adults in their methods of trial. Circuit courts have been found trying children whose cases are not of record in any juvenile court. Means of detention suitable for unfortunate boys and girls is a great need

nearly everywhere, as is likewise probation service—the backbone of the juvenile court. The manifold duties of county judges interfere with their giving due attention to juvenile court matters.

Apprenticing and binding out children under obsolete conditions are still practiced to some extent and the laws permitting such procedure should be repealed. The child labor law is one of the best in the country, but it is enforced in only a few places because there is no real department of labor, and for all the industries over the whole state there are only a half dozen inspectors, one of whom is engaged in private business.

Girls 12 years of age and boys 14 years of age are permitted to marry with the consent of their parents; and applicants for marriage licenses are not obliged to appear before the official who issues them. Save for the granting of an appropriation to a private society devoted to their care, the state neglects dependent children; while those whose condition of dependency is aggravated by disease, deformity, or illegitimacy are officially ignored. Unregulated commercial amusements largely dominate the great field of recreation; that provided by public authorities and by private civic and philanthropic societies falls far short of meeting the need, while much of that afforded by commercial agencies is inferior in quality and unfortunate in effect.

This is not a pleasing picture. It would be wholly depressing if there were no spirit of protest alive to encourage the hope for better things. Fortunately there is such a spirit and it is gradually becoming stronger and stronger. Indeed, there are not wanting examples of what can be accomplished through pricking the conscience and stimulating the effort of a community, as in Mason County; the trouble is that the energising spirit of discontent is not yet abroad in the land and the old order still prevails. Attachment to the methods of days gone by and scorn of modern ways still hold many in thrall. The state's treatment of children is out of joint with the times.

This is not a fault-finding report in the sense that it is adversely critical of administrative policies, methods or personnel. It is, however, an indictment of the people. They have been too complacent, too much satisfied with things as they are, and too unwilling to give the children of the state the advantage either of their own undertakings or of experience gained elsewhere. Here and there, thoroughly good work is being done, but the general attitude is that of indifference. The people have no better provisions for the health, care, protection, schooling and play of their children than they themselves have demanded, and the conditions are no worse than they have been content with. Whatever the shortcomings of the state may be in all these fields, they are chargeable to the people and to the people alone. It is this popular inertia that must be overcome

before any real advance can be made, and it is cheering to know that it is already by way of being overcome, for manifestations of an awakened spirit are now distinctly perceptible. The authors of this volume, as they went about the state, found the people nearly everywhere in a receptive mood and ready to respond to capable leadership.

Action in so vital a matter should not be precipitate nor ill-considered, and it is believed that the wisest course is to devote some time to a study of the situation so as to awaken public interest and insure the use of measures adapted to the conditions peculiar to this state. It is not a good plan to pass laws and make changes simply because other states have passed the same laws and made the same changes; all steps taken must be on sure ground, and this can be determined only through careful thought and study. To this end it is suggested that the Governor be authorized to appoint several qualified persons, to serve without pay, as a temporary commission charged with submitting to the General Assembly at its next session a report upon the standardising, simplifying and co-ordinating of all the state laws concerning children and upon suitable means for their administration. A small appropriation should be granted to the commission for expenses. Such a report is what is known in this country as a "Children's Code," but as a matter of fact the laws on child welfare are not codified by such commissions in the sense of being brought together to form one body—they are left in their respective places on the statute books, the health provisions in the general health laws, the labor provisions in the general labor laws, and so with the other provisions—but are so modified and supplemented as to form a well-articulated whole, in accord with modern thought and practise when considered as to their standards and their bearing upon one another. Instead of "Children's Code Commission," the purposes of such a temporary body would be more clearly indicated if given the name of "Commission for the Standardising of Child Welfare Laws," but the former has the advantage of being the shorter term and is, therefore, preferred in popular usage. Perhaps in place of a temporary commission it would be well to instruct the Co-operative Council to prepare and submit such a report; this council was recently organized to act as a clearing house and planning board for all agencies engaged in statewide social service.

The Kentucky Child Labor Association, the Louisville Welfare League, the State Board of Health, the Kentucky Federation of Women's Clubs and other agencies, invited the National Child Labor Committee in the early spring of 1919 to study conditions affecting children and to prepare a report of the findings. The State Board of Health, and the Kentucky Child Labor Association through the Louisville Welfare League, partly financed the study, the National

Child Labor Committee meeting the balance of the expenses. Accordingly eight agents of the Committee's staff spent several months in the state, visiting typical counties in the sections known as the Mountains, Blue Grass, Beargrass, Pennyrile and Purchase, as well as in the western mining district, along the Ohio river and in the isolated region in the south-central division. All the chief fields of work are covered in the following chapters with the exception of institutional care and child placing, which are the subject of a report recently published by the Russell Sage Foundation, and the control of feeble-mindedness, which was studied by a state commission whose report has been primarily responsible for the amendment of the "pauper idiot" law and for other salutary changes. In submitting this report we set forth our gratitude to the many public officials and officers of private societies who have given us help and encouragement in the collecting of data and the preparing of recommendations, and express our earnest hope that its contents may be worthy of some consideration in the struggle to make childhood in Kentucky a larger and a richer realm.

HEALTH

H. H. MITCHELL, M. D.

Every child should start life with a healthy, sound body and should be taught how to keep healthy. Although all Kentucky endorses this proposition, few know what the conditions are and few hold that the state, county and local community can afford to buy the public health service necessary to make the conditions what they should be. It has been the aim of this study to obtain a statewide picture of the conditions affecting the health of Kentucky children and to suggest the methods and the channels by means of which the state, counties and local communities may most economically purchase improved conditions and disease-prevention service.

To start life with a healthy, sound body demands, first, healthy parents. This means that healthy persons shall bear children and that unhealthy persons shall not. Such eugenic standards will prevail only through more extended teaching of the laws of heredity, raising of ideals and wider appreciation of individual responsibilities. When the responsibility of insuring a healthy, sound body to every child is accepted as a moral principle by every parent in the same way as he now feels the responsibility of giving food, clothing and shelter at all times and special care in time of sickness, then we shall really progress along eugenic lines. With this enlarged moral consciousness, the bearing of children by unhealthy parents will be regarded as a crime as heinous as desertion is today. Steps in the direction of providing healthy parents have so far been confined to the passage of a few marriage laws which can only very slightly influence the situation.

The health of every expectant mother should be especially safeguarded. She should have a general physical examination by a physician, and supervision of her health during pregnancy. Every mother should have expert aseptic obstetrical service in order to avoid the many possible accidents and injuries incident to childbirth. She should have expert supervision of her health following childbirth if she is to maintain her health and give proper care to her children.

Present knowledge shows us that most infant deaths are preventable, and how they can be prevented. Such knowledge is easily acquired, but, like all knowledge, in order to be of use, it must be given to the people and the people must be told about it before they will want it. Lectures, exhibits, moving pictures, mothers' clubs, public health nurses who go into the home and demonstrate, and clinics where medical examination and special advice can be given for the benefit of the mother who cannot afford to pay a private physician, are

all part of the necessary machinery of government and community activity. Laws and trained officials are necessary also to insure pure food, milk and water, and to prevent environmental conditions that favor the spread of disease and retard growth.

As our child survives the dangerous period of infancy, he should still have the benefit of our present knowledge to keep him healthy, and to this end his parents should have continued expert advice as to his care. He must be protected against communicable diseases. He must go to school, but the school should guard his health, further his physical development, help him to form habits of hygienic living and teach him the facts he needs to know to care for his body and thereby maintain his greatest efficiency. Such a school must have clean buildings with proper ventilation and lighting. Our child must not sit at seats and desks that cause deformities. There must be no possibility of his contracting disease through the drinking water, the toilets, or any other condition about the school building. Both doctors and nurses are necessary to protect him from communicable diseases in the classroom. He should be examined by the physician at intervals in order that any correctable physical defect may have prompt attention. He should be taught how to care for his teeth, and special cleanings will be necessary to prevent decay; every cavity should be promptly filled by a dentist and a school dentist should advise as to dental deformities.

Each physically or mentally handicapped child should have such care and treatment adapted to his individual needs as will provide a maximum of opportunity and thus result in a minimum of dependency in the future.

Co-ordinate with the mental training the school should provide physical training, and the same expert supervision should be given to a child's physical development as to his mental growth. The physically defective child should have special exercises, care, and expert advice. Activity is essential to the growing child and he should have the benefit of all our present knowledge as to games, sports, exercises, and outdoor life that will contribute to his bodily development, strength, endurance, and grace. This can be accomplished through having qualified physical training teachers for the school exercise periods, and expert supervision of the activities of kindergartens, playgrounds, boy and girl scout troops and all similar health-giving activities. Health habits must be emphasized and practiced at all times. Teachers must be given special instruction and supervision to promote training in health habits. The use of adequate school facilities for body cleanliness, particularly hand washing and proper habits in eating fostered through the supervised school lunch, will bring large returns.

Our present knowledge as to personal hygiene may not be complete and yet its use in the care of the body and the prevention of communicable diseases would undoubtedly prevent most of the communicable diseases, save many lives, and enormously increase the efficiency of every individual. There are no secrets in the science of personal hygiene and the school should give every American child the facts so essential to his happiness. Along with the instruction in personal hygiene the child should be told of the responsibility of the state, county and community for health protection and disease prevention and also of his own responsibility to these larger groups.

If the administrative agencies are to function with the highest efficiency, correlation of the various parts of the whole program of child welfare must be achieved. Every agency in the state which deals with children is concerned with their health, hence there must be ways and means of correlating the general health program with all other activities on behalf of children.

When the extent of suffering from disease is known and when the people understand that more effort for public health must be put forth, they will want to know in what way the present efforts have failed and what should be done instead. The United States Census reports show that Kentucky has repeatedly had the second highest tuberculosis death rate of the whole United States registration area. Its typhoid fever death rate last year was nearly twice that of the average of the United States registration area in 1916, although it has been reduced more than 50 per cent. in the past nine years. Trachoma is threatening blindness to over 33,000 of its citizens. The infant death rate is increasing. From 28 to 33 per cent. of the men from Kentucky examined in the recent draft showed physical defects causing rejection from compulsory military service, and yet most Kentucky communities are taking no effective measures to prevent disease or to improve the physical condition of the children.

From these few facts it is readily seen that there is an emergency which calls for better care of the health of Kentucky children, and neither the state nor any individual can afford to pass this condition by. The wealth and power of the state tomorrow is absolutely dependent upon the health of her children today.

THE STATE'S HEALTH MACHINERY

The State Board of Health has undoubtedly been the largest single contributor toward improving health conditions in the state, and for this reason it should have first consideration in our study.

The board is composed of seven physicians appointed by the Governor from lists furnished by the state societies of the several schools of practice, each society submitting three names for each

vacancy. Thereby, one member is a homeopathic, one an eclectic and one an osteopathic physician, and the four other members are allopathic physicians. These seven physicians elect an eighth member, who is the secretary and executive officer. Each member of the board holds office for six years. As their terms expire at intervals and as the Governor's term of office is four years, political changes in the state administration do not affect the Board of Health. Dr. J. N. McCormack was its secretary continuously for 29 years, and his son, Dr. Arthur T. McCormack, has held the office for the succeeding seven years. This fact alone suffices to show that the board is free from partisan politics.

In view of the close connection of the State Medical Association with the State Board of Health we should look into its organization if we are fairly to consider the State Board of Health.

The Kentucky State Medical Association was organized in October, 1851. In 1918 it had a membership of 1,860, and 602 other members were in the army service. It is composed of members of the county medical societies, all of whom are eligible to take part in the proceedings of the scientific and general meetings. The legislative and administrative body is composed of the House of Delegates and the officers of the association. The House of Delegates is an elected organization composed of one delegate for every 25 members of each component medical society and one for each major fraction thereof. The House of Delegates prepares the list of names from which the four allopathic members of the State Board of Health are chosen by the Governor; these four members constitute a majority of the board and can decide upon the executive officer. It can readily be seen from this plan that the medical profession of the state is responsible for the personnel of the State Board of Health.

The House of Delegates holds its elections on the last day of the general session of the State Medical Association. The officers are a president and three vice-presidents, each elected for a term of one year; a treasurer, a secretary and eleven councilors for terms of five years each, the councilors being divided into classes so that two are elected each year. The secretary is the executive officer of the association and editor of the Medical Journal. He is paid a salary of \$1,500 per year—or such amount as may be decided upon by the House of Delegates. The councilors act as a Board of Censors of the association, handle questions of an ethical nature brought before the House of Delegates or the general meeting, and superintend the publications. Each councilor is an organizer, peacemaker, and censor for his district, and it is his duty to promote the work of the county societies and report their condition to the House of Delegates. This type of state organization has been adopted by the American Medical Association.

Dr. A. T. McCormack, the executive officer of the State Board of Health, has been the secretary of the State Medical Association since 1907. The State Board of Health was made the State Board of Medical Registration in 1892, so there is naturally a close relation between the state medical registration and the state and county medical societies. Through this relation a close supervision over the local situation in regard to quackery and unethical practice is possible, with the result that Kentucky ranks high in respect of eliminating such abuses.

This organization should correlate the activities of the whole medical profession with those of the State Board of Health. Co-operation has long been recognized as the secret of success in all public welfare work.

Occasionally this type of organization is criticized on the ground that it is used as a political machine to hold the present executives in office and that it is not successful in the public health work of the state. The only real health machinery in Kentucky at the present time is the State Board of Health, for no money is being invested in any other body for public health except small amounts by a few scattered and as yet inefficient private societies, which are really charity institutions. A state must have public health machinery and must develop it. Disregard of such need can lead only to disaster.

That the present machine is not successful in preventing disease and comes far from doing the work the people need is frankly admitted by the present health executives themselves, but with the meager resources at their command no other result could be expected. Kentucky appropriated \$2,500 per year for her health work for 36 years until 1910, when it was raised to \$30,000 per year. Not until 1918 was there money enough appropriated (\$75,000) to have a health department in more than name. Even now a large proportion of the county and small town health departments are spending no money whatever.

It is clearly impossible for a state health organization, however effectively organized, to carry the lessons of health to all the people everywhere unless these lessons are interpreted for each locality by a local health department, which is paid to, and does, devote all the time of its personnel to its important duties. It was ridiculous to expect any one man with an appropriation of \$2,500 a year, as formerly granted, to accomplish much for public health in a state the size of Kentucky, nor to do more than was done from 1910 to 1918 with \$30,000 per year.

It must, of course, be remembered that during these years sanitation has developed from the senseless "shotgun" quarantine against pestilences to the position of a more or less exact science. The progress made in Kentucky, and indeed in most states, has been

achieved through the devotion of the rank and file of the medical profession. These physicians, earning from the treatment of those already sick an income often too meager for the support of themselves and their families, have served without pay on local and state boards of health in order to protect the people from disease. When strict enforcement of the law has been necessary in times of epidemic stress the health officer, as a result of faithfulness to his trust, has frequently lost a practice which had taken a lifetime to build up. Although it is clearly impossible for a part-time health officer to give effective public service, nevertheless the spirit of the efforts put forth by these men during all these constructive years should be remembered gratefully by Kentucky. Indeed, these health officers have been first to realize the utter inefficiency of the old system.

The act of 1918 places the State Board of Health upon an entirely new basis, and it is now ready to begin preventive work. The new law gives sufficient money to organize some of the bureaus of a state health department, and they should be able to place public health upon the market for the local communities to buy. More money will be needed to develop several special bureaus and particularly the School for Health Officers and Health Nurses, which has been developed in co-operation with the University of Louisville.

Our American democratic principles of government place upon the smaller unit the responsibility for the carrying out of measures, while the state should provide expert advice and demonstration as to method, as well as surveys or pioneer educational work to arouse the community to its needs.

Under the old law with a \$30,000 appropriation there were only three bureaus in the department aside from the executive work of the secretary, his clerk and cashier. The work of the Bureau of Vital Statistics had brought Kentucky into the registration area of the United States Census Bureau for both deaths and births. The Bureau of Bacteriology offered the usual service of state laboratories and was aided by the Rockefeller Sanitary Commission. The Bureau of Sanitation was headed by Dr. J. N. McCormack, formerly executive officer of the board and the father of public health in Kentucky, who was assisted by a sanitary engineer and a combined clerk and analyst.

THE NEW ORGANIZATION

The act of 1918 appropriates \$75,000 annually, and under the direction of the executive officer there will be four separate bureaus and a Division of Sanitation with eight bureaus. The first four bureaus are as follows:

1. "A Bureau of Vital Statistics, that the causes of sickness and

mortality and records of births may be promptly reported, utilized and permanently recorded."

2. "A Bureau of Food and Drugs, to protect the people from adulterations, substitutions, misbranding, and dangers from these products."

3. "A Bureau of Epidemiology and Bacteriology, to aid in the study, early diagnosis, location and prevention of epidemics and communicable sickness."

4. "A Bureau of Hotel Inspection, for the inspection of hotels and restaurants of this Commonwealth to determine their sanitary condition, and make such reports and take such action as may be necessary to protect the health and lives of the public under the laws of this Commonwealth and the rules and regulations of the state and local boards of health."

The Division of Sanitation, according to the law, is "for the practical utilization of health knowledge in preventing and restricting the spread of communicable diseases and in abating and minimizing the causes of sickness, including venereal diseases, and for the study and control of insanitary housing, hotel and rooming conditions, and for the protection of the rivers, creeks, water sheds, springs, wells and the regulation of sewers, household waste and other matters relating to the sources of purity of the water supplies in every section, and the board is empowered in its rules and regulations to provide for the protection and purification of the same." Under this division are the following bureaus:

1. Bureau of Tuberculosis, for the study, prevention and treatment of that disease.

2. Bureau of Sanitary Engineering, for the study and improvement of the water supplies and methods of sewage and waste disposal. The laboratory work for this bureau will be done at the State Health Laboratory at Lexington, except such work as is done in the field with a traveling laboratory outfit.

3. Bureau of Conservation of Vision, for the study, prevention, and treatment of the preventable causes of blindness, with particular reference to trachoma. This work will be continued as in the past, and at no cost to the state, by the staff and with the equipment of the United States Public Health Service, under the direction of Dr. John McMullen, Surgeon, United States Public Health Service. It is organized as a bureau under the State Board of Health in order that the work may be done under the Kentucky laws, which make it possible to order any person, refusing treatment, to appear at the Trachoma Hospital.

4. The Bureau of Venereal Disease, for the study, prevention and treatment of these maladies. Most of the work of this bureau has

been done, up to the present writing, in the extra-cantonment zones of the two army camps. A volunteer Louisville physician has been appointed director of the bureau with an associate all-time paid medical executive. The work will be conducted under the State Board of Health but with the assistance of special funds from the United States Public Health Service.

5. The Bureau of Public Health Nursing will be conducted in conjunction with the Tuberculosis Bureau, the American Red Cross and the State Tuberculosis Association. The director of the bureau will also hold the positions of Director of Nursing for both the State Tuberculosis Association and the Metropolitan Life Insurance Company. Her assistant will be paid by the State Board of Health, and she will have authority under the Kentucky statutes as an employee of the State Board of Health.

6. The Bureau of Rural Sanitation has two medical field directors and two public health nurses, and plans are under way to double this staff and add a director and four sanitary inspectors capable of directing the construction of Kentucky sanitary privies. Preparations are under way for special malarial work in Fulton County on the Mississippi River in the western part of the state, and for work in the oil fields in Eastern Kentucky. This bureau will attempt to promote rural sanitation along the lines already under way in Mason County.

7. The Bureau of Housing has been organized with a part-time director who is an architect with experience in city planning, and it is intended to provide him with a full-time secretary and executive. The state branches of the National Council of Defense, the American Federation of Labor, the National Manufacturers' Association, and the American Red Cross have given their support. Through the executives of these organizations it appears that a housing program can be made effective. Their support should aid greatly in the necessary publicity propaganda. It is planned to issue a series of bulletins; and under the State Board of Health's rules and regulations, all plans for houses to be built by employers of labor, such as mine owners and manufacturers, must be submitted for approval to this bureau, which will be prepared to offer suitable suggestions with regard to them. The existing insanitary housing conditions are to be left to the local health officers or state officials to be handled under the nuisance regulations. Legislation should be enacted to supplement the housing law, which now applies only to tenements.

8. The Bureau of Child Hygiene will have as director on part-time the superintendent of the Kentucky Children's Home Society. The immediate outlook for the development of this bureau appears to be through the present Red Cross organization and the public health nursing service. An all-time executive will eventually be needed to

prevent infant mortality and promote the health and physical development of children from infancy through the pre-school and school period.

CONDITIONS—(a) Preventable Diseases

Although the control of communicable diseases is the original function of a board of health, actual scientific epidemic prevention and control in Kentucky by either the State Board of Health or by local boards amounts to so little that we might even say that many diseases spread uncontrolled. This must not be interpreted as meaning that the State Board of Health has made no scientific effort at disease prevention and control, but that because of lack of funds its efforts have necessarily been of a character so preparatory and educational that the actual epidemiological machinery has not yet been established.

Tuberculosis

More money from state funds has been spent upon tuberculosis prevention than any other disease, and yet the ground has only been stirred in a few places. The real harvest of lives saved, as shown by the death rates, is all for the future.

Tuberculosis lays its blight upon thousands of Kentucky children every year. Not all the deaths it causes are among children, but a great many of its victims in all probability were infected while still children. So many undernourished, overworked and suppressed children result from the vicious circle of tuberculous parents, sickness and poverty, that the dependency, suffering and economic waste are stupendous. How rare it is that the child in a tuberculous family has even the ghost of a chance!

The death rate for tuberculosis in Kentucky was 194.4* in 1916 per 100,000 inhabitants, 186.7 in 1917, and 193.5 in 1918. These figures, compared with a rate of 229.3 for 1911, the first year of the registration, indicate a change for the better, but the rate has continuously been much above that of the entire United States registration area, which in 1916 was 141.6 per 100,000 inhabitants. In 1914-15 and 1916 Kentucky still had the unenviable distinction of having the second highest tuberculosis rate of the United States registration area, although, of course, there are many other southern states which might show a much higher rate if they were in the registration area.

The negro population, which ranges from about 31.4 per cent. in Lexington and 19.1 per cent. in Louisville to less than 2 per cent. in Covington, has a great influence upon the tuberculosis rate. In 1916 the rate for whites was 153.5 against 394.9 for colored. Kentucky cannot, however, place all the blame upon the negro population. The actual tuberculosis prevention work being done now is necessarily

*United States Census Bureau figures.

spread over such a wide area because of the limited resources of the agencies engaged in it, that little or no impression is made in any one place, although the lines along which the work is directed should produce certain results. Volunteer efforts exclusively can never give satisfactory results. Rank foci of infection that are spreading the disease can be found among both whites and colored so that preventive measures must be directed toward these foci in both races. Economic conditions of the negro will undoubtedly be a serious predisposing factor favoring tuberculosis in that race on a far more extensive scale than among the whites for a long period yet to come; nevertheless, all our history of tuberculosis prevention by the methods already started in Kentucky has been far from discouraging in spite of predisposing economic factors.

The county tuberculosis death rates point to foci of tubercular infection where little or no preventive work has been done. In many such communities the same sort of living conditions prevail among the whites as are such large factors in keeping up the high rate among the negroes. A high prevalence of tuberculosis is the product of so many social, economic and sanitary factors that great care must, of course, be exercised in pointing to specific causes. However, there are certain high points in various communities visited by the writer that demand attention. Tuberculosis is a communicable disease, and the widespread intermingling of careless persons having open tubercular lesions, most of whom are unrecognized, with healthy persons, rapidly scatters the seed upon such fertile soil as the textile mill workers and houseboat people in Paducah, other industrial workers in Mayfield, Hopkinsville, Henderson and Owensboro, and those who live under bad housing conditions in Lexington and Louisville. The crowding of large families into one or two-room houses demands attention and emphasizes the particular need for sanatorium or hospital care. One tuberculosis case very frequently infects and kills an entire family required to live in close contact with the patient, a catastrophe that could have been prevented by proper care.

Paducah has a tuberculosis sanatorium which contained only two patients at the time of the visit of the investigator, although there was a capacity for 25 to 30 patients. Apparently it is unpopular because of its location near the county poorhouse. The tuberculosis rates for McCracken County, of which Paducah is the county seat and largest town, was greater in 1916, 1917 and 1918 than the average for the five-year period from 1911 to 1915 inclusive. The rate for Paducah of 272 in 1916 and 324 in 1918 is considerably greater than that for the entire county, and indicates, of course, the seriousness of the tuberculosis situation. The floating population, poor wages, the hot, humid, dusty atmosphere and general insanitary conditions of the

cotton mills, undoubtedly leave their impress upon the tuberculosis rate, although no figures on particular classes are available for this city.

At Mayfield, in Graves County, a public health nurse was found struggling with the problem of poverty-stricken, advanced tuberculosis cases living in one-room houses, with large families of children. Some of these patients were even doing home-work on pants for the woolen mill.

Hopkinsville and Christian County are particularly in need of a tuberculosis sanatorium or hospital, and a vigorous campaign against the plague. The death rate for tuberculosis in Christian County was 337.5 per 100,000 inhabitants for 1916, 330.9 for 1918, and still higher for the five-year period preceding. Tuberculosis caused over 21 per cent. of the deaths from all causes in Hopkinsville in 1916. The County Health and Welfare League succeeded in establishing a sanatorium district for that county, by popular vote, but the fiscal court did not provide the funds for construction of the building. The work of the public health nurse had been abandoned at the time of the investigator's visit, and there appeared to be great need for educational propaganda to stir the community to the seriousness of their problem. The only immediate hope for such communities lies in intensive work by the State Board of Health, initiating the proper *modus operandi*, organizing the individuals who understand the problem and directing their work until trained officials can take the movement in hand.

The tuberculosis death rate in Henderson was 213.+ per 100,000 in 1916, and 195.+ in 1918. This city, like Paducah, must stir community interest to make full use of the county sanatorium. The same group of citizens who were able to build the sanatorium through popular vote should be able to popularize it. Its use is as necessary as its construction.

The tuberculosis death rate for Ashland was approximately 280 per 100,000 of the population in 1918, although only one-seventh of the total were among negroes. A sanatorium in this section should receive state aid and should serve the eastern part of the state, where so many of the "pauper counties" are.

The tuberculosis rate for Lexington was approximately 395 per 100,000 of the population in 1918. The high percentage of colored population in this city undoubtedly raises the rate; they are about 30 per cent. of the total, and were responsible for 40 per cent. of the deaths from tuberculosis in 1918 and for 60 per cent. in 1916. The average tuberculosis death rate in Fayette County during the last eight years is 307.7 per 100,000 of the population. This rate has varied from 283.2 in 1911 to 371.1 in 1914 and to 362.5 in 1918. These figures are indicative of the bad housing in Lexington and of the lack of

disease prevention in this rich Blue Grass county. The work of the Public Health Nursing Association, the County Tuberculosis Sanatorium and the tuberculosis clinic deserves the highest praise, but the problem is so tremendous in this tuberculosis plague spot that their efforts merely skim the surface. An efficient county health department, with a trained all-time health officer, is the only sane solution of Lexington's problem. Such a health department, with an increased number of public health nurses and increased tuberculosis clinic facilities, together with the advantage of the Tuberculosis Sanatorium, could certainly bring real results.

The coal-mining counties of both Eastern and Western Kentucky have had low tuberculosis death rates since the first vital statistics in 1911, but within the last three or four years several of the largest coal-producing counties in the east have shown a marked rise in the rates. It is not unlikely that tuberculosis may increase with the development of mining. It is suggested that many of the tuberculous miners die outside of this section, for there appears to be no extreme of sickness or poverty in the mining camps. Most of our investigators repeatedly heard the remark, "He got too sick to work and they jes' moved out down the hollow."

The cost of dependency and sickness in mining camps should be met jointly by employer and employe through insurance. The present system of flat rate pay for physicians does not insure adequate service because of lack of medical organization. Such service in a large business like mining can be given only through scientific organization, whether it be in the management of the mines or in the care of the health of the miner and his family.

Hookworm

The extent of the hookworm scourge can only be guessed at, in view of the fact that it causes not deaths, which can be counted, but weakness, suffering, and inefficiency, which cannot be measured. Children are among the greatest sufferers from this disease, as they are usually infected when barefooted. The work of the Rockefeller Sanitary Commission, in conjunction with the State Board of Health, in studying and treating this disease has been monumental. If the state health officials had done nothing else but bring into the state the Rockefeller Sanitary Commission for the work on hookworm, and the United States Public Health Service for its work on trachoma, the actual value of such service to the people of Kentucky would be greater than the sum of all the appropriations given to the State Board of Health through all its history.

Hookworm was not recognized as a disease by the medical profession in Kentucky prior to the survey made in 1911 in Owsley and

Larue Counties by Dr. L. H. South, the state bacteriologist. People suffered ignorantly from the disease with no treatment. Through the combined efforts of the State Board of Health and the Rockefeller Commission 450,000 people were examined, and one-third of them were found to be infected with hookworm, and 34 per cent. of these with ascaris or round-worm. In practically every community into which the investigator went the health officer and the members of the medical profession stated that the hookworm morbidity had been slight since the special campaign against the disease from 1911 to 1915. A second survey, using the same methods as in the first, would be particularly interesting at this time, for it would determine the permanent value of such work as that of the Rockefeller Commission. It is difficult to say whether the opinion so often expressed by physicians, that hookworm is practically a thing of the past, is the result of failure to come in contact with the condition, a wrong diagnosis, or a correct observation. The educational effect upon the profession undoubtedly resulted in a great increase in the treatments, cures and control of the disease, but the unsuspicious character of this infection leads one to believe that effort must still be expended in searching for and treating this disease as well as in enforcing sanitary measures for the disposal of human excreta. In any event, another comprehensive survey should be made to determine the present status of the disease.

Trachoma

Trachoma is the cause of another serious Kentucky problem, for it very likely afflicts as many as 8 per cent. of the children in the 35 mountain counties. The slow torture of this plague cannot be appreciated by those who have never seen its pathetic victims. There are still many homes in eastern Kentucky with all or part of a large family of small children so afflicted and many are shut up in darkened rooms to avoid the excruciating pain caused by ordinary daylight. Such children must remain away from the light for months, all the time with their eyes continually smarting, burning, aching, and the sight gradually failing. Later the disease may become sufficiently quiescent to permit them to see enough light so as to travel about. It may last a lifetime with deformity of the eyes until blindness results. A few years ago 45 per cent. of the inmates of the Kentucky Institution for the Blind were there because of trachoma. It not only falls heavily upon the state in respect of the cost of caring for the blind in state institutions, but probably between 50 per cent. to 75 per cent. of these victims become dependent upon relatives or the community. How many Kentucky cities have blind beggars who needlessly lost their sight through trachoma! Of 3,844 school children examined in Lex-

ington 3.8 per cent. had trachoma, and of the pupils in one school room in this city 3 per cent. were afflicted as late as 1919. Upon routine examination of school children with well-to-do parents and good homes in the Blue Grass, 2½ per cent. were found to be suffering from it, and in some sections of the mountains as many as 75 per cent. of the families were found infected.

Dr. McMullen, of the United States Public Health Service, estimates that there are probably not fewer than 33,000 cases of trachoma in 30 mountain counties of eastern Kentucky; and declares that there is abundant evidence that the disease is spreading. Among the school children of Jefferson County in 1913-14, 805 cases were found. The disease has been prevalent in Muhlenberg and Butler Counties in the western part of the state. Of the school children examined in Greenville (Muhlenberg County) 10 per cent. had trachoma in September, 1918. Surgeon McMullen gives the warning: "Should history again repeat itself, every condition is present for a repetition of the fearful epidemics of this disease experienced in Europe in the nineteenth century." Further reports to the State Board of Health show that foci of infection are largely scattered throughout the state beyond the regions mentioned. Such foci certainly mean more cases unless prompt and effective care is given. The United States Public Health Service has demonstrated that the trachoma hospital plan will deal effectively with the disease. This work has marked a signal advance in preventive medicine. It only remains for the people of Kentucky to realize that they cannot afford to permit this disease to continue its ravages and pay the big expense of caring for the blind and near-blind dependents it entails rather than the small cost of more extensive hospitals, clinics and school examinations. Unchecked, this disease will certainly affect the mining industry in a way that will cost the operators much more than the expenditure for prevention.

The work of the United States Public Health Service, of Dr. J. A. Stucky, and of Miss Linda Neville, of Lexington, in demonstrating the prevalence of this disease as well as the means of its prevention, deserves the highest praise. The co-operation of the State Board of Health has further assisted through bringing the attention of the medical profession to the diagnosis and treatment. The relation of the State Medical Association to the State Board of Health undoubtedly supplies many channels for promoting such distinctly medical phases of public health work as the diagnosis and treatment of trachoma and hookworm.

Typhoid Fever

Typhoid infection stands out from among the causes of sickness and death because of its prevalence in spite of the certainty with which

it can be controlled by the newer public health methods. Cholera is transmitted in the same way, and yet cholera is a rare disease because the people respect it as a dangerous enemy. While the death rate for the total registration area of the United States has been reduced to about one-third that of 20 years ago, Kentucky still maintains a high annual rate. This is not surprising in view of the potential typhoid conditions found by the writer throughout the state. Kentucky has held the second highest typhoid rate of the United States registration area for the years 1911 to 1916 inclusive,* although it has been reduced one-half in 10 years. Many physicians and even local health officers are not only unconcerned, but in many cases ignorant of the large amount of typhoid in their counties, where the yearly cost to the people from this disease alone would pay for a trained all-time health officer and a public health nurse, who could quickly reduce the rate one-third. In most cases it could be reduced to as low as or lower than that of Massachusetts and New York, where the rate is between four and six per 100,000 of the population, rather than 26 to 30 per 100,000 as in Kentucky.

The two regions of the state with distinctively high typhoid prevalence are the limestone cave region around Mammoth Cave and the eastern coal fields. In most of the counties near Mammoth Cave the ground water flows in subterranean channels in the limestone rock so that natural filtration is absent and of course sewage entering the ground pollutes this water at many points. An all-time health officer is particularly needed in every such region to instruct the people how to obtain a safe water supply.

In the coal fields of eastern Kentucky typhoid is costly to the miner and operator alike. Although medical men are hired on a full-time basis for the miners, in no place did we find any preventive effort being made. The situation is not hopeless, it only bespeaks ignorance or negligence. With such a record of typhoid prevention as that of the army, achieved under far more difficult conditions, the death rate of 143 for Harlan County and 50.7 for Letcher County in 1918** show by comparison that this deadly scourge is spreading uncontrolled. At Hazard, the largest town in Perry County, the city water supply is pumped directly from the filthy, sewage-polluted river, with no attempt at purification. In large mining camps of Harlan County the uncertain water supply, filthy fly-breeding surroundings, unscreened houses and insanitary privies, all contribute to the spreading of typhoid as well as numerous other diseases. Such conditions are not only uncivilized and show cheap regard for human lives, but are ridiculously bad business. The attitude of those who claim that they

*See 1916 United States Census Report.

**See State Board of Health Statistical Report for 1918.

do not have typhoid and pay physicians a salary for caring for them only when they are sick would be ludicrous were it not so tragic.

Universal typhoid inoculation could undoubtedly be arranged for jointly by the labor unions and the Mine Operators' Association. The ignorance in these counties with regard to the needless suffering from the disease, and of how the company physicians might be used for preventing sickness and inefficiency in the mines speaks loudly for the need of a trained all-time county health officer and a county health department. It is thoroughly impracticable for the State Board of Health to spread its activities so as to demonstrate to the miners and mine operators what might be done along these lines, and, even if it did succeed in convincing them that the company physicians might be used for preventive work, it could not supervise that work and make it effective. On the other hand, a trained county health department could direct such work in a way that would undoubtedly show an economic saving to both the miner and the operator. The Miners' Union and the Mine Operators' Association should provide excellent channels for collective education and effort along health lines.

Under the new health law the State Board of Health has been able through its larger appropriation to begin some valuable work in improving municipal water supplies. A sanitary engineer of the United States Public Health Service has been loaned to it and he has studied various water supply problems throughout the state, giving much valuable advice. A great deal more of such work must be done by the State Board of Health. Under the act of 1918 the board has the power, through its rules and regulations, to provide for the protection and purification of water supplies. This power should be used to require municipalities to supply pure water, and should result in at least a reduction of 40 per cent. in their typhoid rate. Many of the Ohio River cities need such enforcement. It frequently occurs that local politics enters so largely into the water supply situation that if state authority is not used the people suffer tremendously from typhoid and other diarrheal diseases. A test case should be tried in the immediate future to determine the exact power of the State Board of Health in this connection, for this seems to be the simplest way to get action in this very important phase of sanitation in municipalities.

Diarrhea and Dysentery

Diarrhea and dysentery are the result of exactly the same lack of sanitation as causes typhoid fever. Kentucky had a death rate of 32.8 per 100,000 of the population for these diseases in 1918, while the rate in the United States registration area in 1916 was 18.7 per 100,000. The Kentucky death rate has shown a marked increase dur-

ing the last two years as the typhoid rate has lowered, hence we may be sure that the need of improving water supplies and methods of sewage disposal is still urgent.

Pellagra

Pellagra is unduly prevalent in two foci in Kentucky. The greater prevalence appears in the primitive mountain section in the south-eastern part of the state including Knox, Bell, Harlan, Whitley, McCreary, Laurel and Pulaski Counties. In the west the disease appears more scattered, but is found in backward areas in Allen, Christian, Hopkins and Graves Counties. Of course we find the disease quite frequently in Louisville and Lexington, but this might be expected in such centers, and most of their cases are very likely imported.

It is interesting that a great number of the medical profession regard the disease as communicable, although they take no steps to prevent its spreading. In view of the studies of Goldberger and others of the United States Public Health Service, it seems likely that its control will come largely through education. At the present time it appears where schools are very poor. It is believed that proper diet will prevent pellagra. At any rate, the appearance of the children in these communities suggests that their food is seriously lacking in elements that should be supplied to growing children. Supervised school lunches and home economic courses in the schools, as well as the work of Home Demonstration Agents, will accomplish a great deal toward improving the diet of the people in these sections.

Malaria

Although considered a southern state, Kentucky probably has not as much malarial territory as many of the others. Nevertheless, it ranks among the five states with rates well above that of the remainder of the registration area. The encouraging feature is the drop in the malarial death rate for the last eight years from 10.3 per 100,000 of the population in 1911 to 4.5 in 1918.

The two large army camps in Kentucky recently made an excellent demonstration of drainage and malaria control, but much of the territory in the west along the Ohio and Mississippi Rivers needs similar treatment. The new drainage law passed in 1918 should result in a great deal of new territory being drained, with a resulting diminution of malaria. The State Board of Health hopes to have the State Sanitary Engineer advise as to the operation of this law so as to promote such drainage as will control the breeding of the *Anopheles* or malaria mosquito.

Other Acute Communicable Diseases

Diphtheria

Kentucky had the highest diphtheria death rate of the total registration area in 1915, the second highest in 1912, the third highest in 1911, and above the average for the five years from 1911 to 1916. While still too high, the 1918 rate was but one-third of that of 1911.

A high death rate should be expected under the present plan of local health administration. The control of diphtheria demands scientific epidemiological methods, and these cannot be expected from health officers whose first interest is in private practice. In only a very few cities of the first and second classes and in Maysville are cultures taken for release from diphtheria quarantine. This lax, unscientific method of course means that a great number of diphtheria carriers continue to spread the infection for some time after recovery from the disease. It appears that only upon rare occasions in some of the larger cities has a search been made for carriers in the schools. In 1914, 378 diphtheria cultures were examined in the state laboratory and 498 deaths resulted from diphtheria in that year. Of course without the use of scientific preventive procedure, diphtheria spreads unchecked and the prompt use of antitoxin is the only hope of saving the victims.

It is very likely that the increased use of diphtheria antitoxin has been the cause of a reduction in the death rate during the last two years. The State Board of Health has very wisely taken official action to increase the use of antitoxin and to make it easily accessible. Arrangements are made with a manufacturer through competitive bids to supply the board with fresh antitoxin at about one-half the commercial price. It is distributed through various stations throughout the state, and the bill sent by the manufacturer for all indigent cases is paid by the county board of health. Under the act of 1918 it becomes the duty of the health officer or his assistant to administer the antitoxin. This provision is excellent in view of the great difficulties usually experienced in bringing about the adequate use of this sovereign specific remedy.

Measles and Whooping Cough

These are disregarded and spread practically unchecked everywhere in spite of their heavy death toll among little children. Kentucky had the highest whooping cough death rate of the registration area for 1916, the second highest in 1911, markedly above the average of the registration area for the five years 1911 to 1916, and in 1918 higher than in any previous registration year. These diseases are undoubtedly expensive in respect of the time lost to the schools; even though the schools are not closed on account of them, the many

days missed by the children represent a waste of thousands of dollars annually. So far as the writer was able to determine, scientific epidemiological methods in the control of these diseases of childhood are all but unknown in Kentucky, except in Maysville, although the State Board of Health published in the bulletin of October, 1915, excellent up-to-date instructions. Prevention is out of the question without full-time health officers.

Scarlet Fever

Scarlet fever is a serious disease, particularly because of the complications, which so frequently produce lasting effects. This disease appears occasionally in epidemic form and also interferes with school work. The death rate has been lower during each of the last three years than the average for the five-year period previous, so we may consider that it is becoming much less important as a cause of death.

Smallpox

Smallpox is still prevalent in many sections in spite of the excellent vaccination law. In Harlan County \$1,074 was expended for guarding smallpox quarantine during 1918, and \$401.55 for hospital services rendered by the Harlan Hospital Association. Of course such expense is unwarranted, particularly when there is such an unusually good vaccination law. A trained all-time health officer would undoubtedly have enforced the law and used the mine physicians to vaccinate every person in the county. Through the efforts of the State Board of Health and a few unselfish and public-spirited local physicians, smallpox has repeatedly been stamped out in nearly every county, but it is still prevalent in many sections and causes heavy expense to the communities afflicted.

(b) Child Hygiene

Prevention of Infant Mortality

The infant mortality rate has gradually increased from 74 per 1,000 living births in 1915 to 101 in 1918. The 1918 rate is the highest since the beginning of registration in Kentucky.

It is not unlikely that this increase may continue with the growth of cities and particularly if a shortage in the milk supply should increase. The infants in the mining camps suffer particularly from a lack of cow's milk. The writer observed such a shortage in the mining camps of Harlan and Bell Counties, where the county infant mortality rates were respectively 140 and 124 per 1,000 living births.

Although it has been thoroughly demonstrated that the number of infant deaths can be promptly and certainly reduced through educational methods, public health nurses, baby welfare clinics, consultations, milk stations and hospitals, this work has not yet been attempted in Kentucky except by a few philanthropic organizations in

the larger cities. These organizations have held baby contests at fairs and more rarely have promoted exhibits, lectures, clinics, and the distribution of literature with the co-operation of the State Board of Health.

A special appropriation should be given to the state board to provide exhibits, literature and other educational material to be used by local organizations, and a special personnel who could devote full time to promoting such educational propaganda and directing the efforts of local workers. Such traveling propaganda methods as were used in New York state several years ago would stimulate local interest, popularize child hygiene among the women's clubs and other organizations, and further the work of public health nurses tremendously.

Midwives

According to the law, midwives are registered by the local registrar. Ordinarily in Kentucky this registration does not take place until a birth is reported. The State Board of Health pays 25 cents each to the registrar and the physician or midwife who reports the birth and this tends to bring the midwife into touch with the registrar, thereby affording opportunity for her own registration. This plan, although it registers the midwife, does not mean that the standards of obstetrical technique are raised in any way. Most health officers with whom the writer talked did not know whether there was any control of midwives or not. The high percentage of preventable infant deaths due to poor obstetrics and earliest care, as shown by studies outside of Kentucky, indicate the need of not only registering midwives, but licensing, supervising, and instructing them.

Blindness in the New Born

The Kentucky law requires that all cases of ophthalmia neonatorum shall be reported to the health officer, and that the county boards of health in co-operation with the county medical society and the State Board of Health shall arrange an annual course of instruction or school for physicians, midwives and nurses of such county to teach the diagnosis, treatment and prevention of ophthalmia and trachoma. The law is an excellent idea, provided it is properly enforced, but its value depends upon the attendance and interest aroused in the course.

Silver solution is distributed to physicians and midwives by the State Board of Health, and its use is required by rules. The State Medical Association by resolution declared it to be malpractice to fail to use the silver solution. Three hundred and eighty-one new packages of silver solution were distributed in 1918, and it is likely that many of these packages are refilled by the local druggists. Of

course this work acts in an educational way upon physicians and midwives, makes the prophylactic more readily available to a few, and undoubtedly results in some increased use and some prevention of blindness, but necessarily these scattered efforts are in no way efficient; gonorrheal ophthalmia continues and the state pays the cost in its care of the blind at institutions, or the blind are uneducated and suffer through their helpless lives, dependent upon relatives or friends.

Hygiene of the Pre-School Period

For this stage of childhood no direct efforts are being put forth in health supervision. Literature should be made available for the instruction of mothers in the care of their children during this period. Physical examinations and expert advice should be given by physicians in connection with the infant welfare clinics, and instruction in the care of children in their homes should be given by the public health nurses. All such work should be under the supervision of the local health department.

SCHOOL HYGIENE

Compulsory education places the responsibility for the care of the child's health upon the state and community as certainly as the responsibility for teaching reading, and writing. Mind education without the care of health and the promotion of physical development is only the grossest waste of public money, for physical health is the first essential in the development of intellectual power. Physical health and strength do not happen, nor are they controlled by our Maker without regard to our own efforts and habits, and yet consideration for the health and physical development of the Kentucky school child is practically disregarded by the state educational program and by most of the schools themselves.

Not even the cities of the second class have regular supervision of physical training except in a very limited way. In most of the cities of the third and fourth classes the only exercise that the child gets in connection with the school program is in occasional periods of from five to 15 minutes conducted by the teacher and limited to simple breathing exercises, and arm and leg movements such as the teacher may happen to have knowledge of through general reading or through meager training in normal school. Fortunately, more attention is now being given in the normal schools to training for such exercise periods of the child, but it is altogether too slight to enable the grade or high school teacher to conduct such classes without expert supervision.

One principal of a rural type of school in a county seat said he had no physical exercises in his school because he didn't believe that

the country children needed it, and yet judging by the many pale, flat-chested children in this school there was undoubtedly the gravest sort of need for toning of the muscles and strengthening of the organic functions through proper exercise and supervised play. Long hours at a desk in the schoolroom violate the very nature of a child, which demands constant activity, and such repression as may be necessary must be offset by active exercise at frequent intervals.

Of course physical exercise is most beneficial to children or adults when taken in a form that holds their interest and enthusiasm, and still more so if it is in the form of amusing play. Hence our understanding of physical exercise includes much more than calisthenics, embracing properly supervised active games, sports and athletics that afford enjoyment and recreation.

Instruction in personal hygiene is a fairly old subject and should be a thoroughly established course in every public school, and yet in the Kentucky schools it is so limited in scope, so unscientific, and so much of it is even contrary to known facts, that under the present regime, progress in improving health and preventing disease must necessarily be considerably hampered. A humorous story was told by one of our investigators following a visit to a rural school where she had attended a hygiene lesson on the care of the hair. After the recitation on the textbook material, the teacher decided to give her pupils the benefit of the experience of one of her friends, who, she said, "had a beautiful suit of hair that reached clear to her knees." She stated that this friend had not washed her hair in 28 years, and asked the children whether any of them could tell her how she had managed to keep it so lovely. Not a pupil ventured a guess, so the teacher answered her own question: "Why, every morning she combed her hair with a large comb which she had dipped in Danderine." Clearly, this teacher was in no way interested in this patent commercial product, but offered this atrocious theory to her pupils with full faith in its value. Similar ignorance with regard to hygiene naturally prevails among all persons who have not had more instruction than is given in most of the public schools of Kentucky. Superstition in matters relating to health is rampant throughout the state. Most of us with university training have some pet superstitions regarding health that frequently result in bodily injury and hamper our physical health and development, and in a state where 12.1 per cent. of the population is reported as illiterate there are certain to be superstitions that interfere extensively with proper safeguards for the health of children.

The Kentucky Tuberculosis Association, under the direction of its educational secretary, has undertaken an excellent piece of work in the promotion of the Junior Red Cross Health Crusade. This plan is one of the best for promoting health habits through the schools and will

undoubtedly result in great advance toward the giving of the sort of training to every school child that the public school system should supply. This is exactly the kind of pioneer work that must be done to prepare the way for the program that Kentucky needs. During 1918 the schools of nine cities had this plan in operation and the Tuberculosis Association's program will increase the number rapidly. Further opportunity for preparation of teachers to give instruction in hygiene could be afforded by the State Department of Education through institutes, extension courses,* traveling libraries, lectures and extra supervision. Such efforts should be directed by a director of physical education of the state department or in very close co-operation with the State Board of Health.

Along with the teaching of hygiene should go training in health habits. Habits of proper physical exercise and love of outdoor life should be cultivated in the child as part of the school program, through extra-school activities directed and promoted by the school. Regular periods for active games and sports are necessary. The organizing in Louisville of the Public School Athletic League is a step in the right direction, and there is need for more supervised physical activities in the school program itself in connection with Boy and Girl Scouts or other similar societies. Weighing scales and height and weight charts as recommended by the United States Bureau of Education and the Child Health Organization (156 Fifth Avenue, New York City) should be used throughout Kentucky. Only two or three of these charts and no scales were seen by the investigator in the many schools visited. Together with the observation of weight records, advice should be given as to diet. Malnutrition is a problem in every school. It is being met in New York and Boston by special nutrition clinics. Kentucky must also seek its solution. The publications of the Child Health Organization and of the United States Bureau of Education should be used in every school. Instruction as to proper diet is an important part of any scientific program for physical development and should be given to children in a positive, attractive way.

The school lunch offers the best opportunity for teaching the value of different foods and correct habits of eating. School lunches have been established in a surprisingly large number of the schools of the first, second and third class cities, and a few in cities of the fourth and fifth classes. The foods provided are well chosen and wholesome and in most cases also cheap, the lunch costing as a rule only from five to 12 cents. Every school principal where such lunches were served was enthusiastic and claimed that he had noted marked improvements in the nutrition of the children since real food had been

*A precedent in extension courses has been set by the Louisville Normal School for the benefit of Louisville teachers.

substituted in place of the pickle-candy-sodawater combination formerly so popular. In most cases these lunches have been started by small groups, such as Parent-Teacher Associations or other women's clubs interested in the welfare of children. They show what can be done by such private organizations, and are an earnest perhaps of what will be done by these agencies in other phases of school hygiene, such as medical inspection, school nurses, special extra-school recreational activities and improved buildings and facilities. Whatever work of this kind is undertaken by private societies should be turned over to the proper public agencies as soon as its value has been demonstrated, and in this way the energies of the private societies will be released so that they can be devoted to other pioneer tasks. Opportunities for such pioneering should be sought, for it is the function of the private society to experiment and demonstrate, as well as to support the public agencies in the fulfillment of their duties.

The teaching of correct habits of hygienic living in the schools can never be more than a fantastic theory so long as the buildings are badly lighted and ill-ventilated, the water supply is lacking or polluted, the common drinking cup is used, no washstands are provided, and the only toilet accommodations are filthy privies.

No school was found with adequate hand-washing facilities. A few had sinks or wash bowls, and occasionally a piece of soap and more rarely paper towels were seen, but never the combination of paper or individual towels with liquid or other sanitary soap preparation. In most cases school lunches were served to children with dirty hands. If hand-washing is ever mentioned in the hygiene classes, it is difficult to see how any impression can be made upon the child as to its importance in protecting him from communicable diseases, so long as there is no place in the school to wash his hands. And yet there is no one thing that will do more to prevent the spread of communicable diseases than thorough hand-washing both before meals and after handling things touched by other persons. Most epidemiologists are thoroughly agreed as to the importance of this simple, decent habit in communicable disease control, and it is a form of self-protection that should be cultivated in every child.

In the rural schools of Mason County, which has an all-time health officer, excellent work has been done in training children in this habit. In some of its schools where running water is not available, soap, wash-basins and individual towels are in use as a result of the work of the public health nurse.

As a rule the school buildings of Kentucky have a bad influence upon the health and development of children. The state law provides that their construction shall be supervised by the State Department of Education, but many of the more recently constructed buildings

show as little regard for modern standards of lighting and health protection as most of those put up forty years ago.

Their most striking and universal defect is the cross lighting, which seriously affects the eyes. Of the rejections by local boards among men called in the draft from February 10 to November 1, 1918, 11.6 per cent. were because of diseases of the eye; an examination of 661 children in the rural schools of Mason County in 1917 and 1918 showed that 10 per cent. had defects of vision; while 2,693 examinations of children in the city schools of Newport showed that 5.4 per cent. had such eye defects as "errors of refraction, weak eyes, eye strain, defective sight, strabismus, and astigmatism," and 10 per cent. more had blepharitis or conjunctivitis, which would be aggravated by the strain resulting from bad lighting.

In one group of 54 rural schools visited, all but three had cross lighting; in another group of 28 schools, 21 per cent. were arranged so that the children faced the light, and one of these buildings had been constructed only a year ago. It can safely be said that the conditions throughout the state are similar. A lack of curtains or shades in rooms with southern exposure contributes to eye strain because of the glare upon the white paper or in the faces of the children. In 25 rural schools seven had shades, while 18 or 72 per cent. had none.

The rural schools are badly heated and ventilated, almost without exception. Of course there is still a great deal of controversy as to what is meant by adequate ventilation of a schoolroom in winter weather. Proper humidity, temperature and circulation of the air undoubtedly play a large part in the maintenance of healthful conditions, but they require special apparatus. Obviously better arrangements can be made than to permit the schools to continue with stoves in the center, where the heat is so stifling it is positively weakening, and where the unfortunate child in the rear seat or the little girl in the corner shivers and snuffles throughout the winter. In 44 rural schools observed only five had jacketed stoves; the others had one stove in the center of the room, or, as in the case of four schools, in one end or corner of the room. Most of the teachers consulted stated that they had difficulty in keeping the room warm during the winter. Thermometers were only rarely seen.

In most of the schools in the second and third class cities and in a large proportion of those in cities of the fourth class, steam or hot water heat is used, but many instances were noted where the radiation was insufficient for severe weather. Only a few of these buildings are equipped with vents for evacuating the foul air, none were seen with humidifiers of any sort, nor many with fresh-air intakes or deflectors to be used under the lower sash to supply fresh air without a direct draft upon the pupils near the window. Only a very few schools

were found with hot-air furnaces, and these had no scheme for humidifying the hot, arid atmosphere created by this system. The large auditorium of a school in Richmond has no outside openings for ventilation except five small windows near the ceiling, and yet auditoriums are usually overcrowded more frequently than any other room in the school building.

The anti-tuberculosis campaigns of the last decade have done much to popularize fresh air, and its value is partially recognized by all communities except the more backward, but the present method of leaving the whole responsibility to the teacher in a badly constructed, and in many cases dilapidated building, brings exactly the sort of bad ventilation with excessively dry air, extremes of heat or cold, and chilly drafts that should be expected. Kentucky's high tuberculosis death rate and the probability of tubercular infection occurring during childhood being lighted up in the later productive years of life place an added responsibility upon the state in this matter. At least it should provide well constructed buildings with walls that will in some measure hold the heat or keep out the cold, and with such heating facilities as will allow an even distribution of air and fresh inflow by means of proper vents or fans, together with moisture regulation through pans of water or sprays. A great improvement could be effected in the one-room country schools if they were properly ceiled, and one or more jacketed stoves with an outdoor intake furnished, the air being moistened by pans of water heated by the stove. Consolidation of schools holds out the most hope for such improvements, for a larger school building can certainly be equipped with at least steam heat, window ventilators and water-pan humidifiers.

In any case there is serious need of some plan for extension education and state supervision that will instruct every county and city school superintendent, every principal, and every teacher in the importance of ventilation, proper temperature, humidity and air circulation, and how to make the best use of the facilities at hand in maintaining suitable conditions. Even in cities where the more elaborate heating and ventilating systems have been installed there is invariably need of expert advice to the janitor, and also to the superintendent in order that he may know what he should expect from his janitor.

There are a few open-air schoolrooms in the state. It is likely that the development of the school health program will reveal considerable need of such schoolrooms as well as of opportunity classes for weak, under-nourished and pre-tubercular children. Private initiative has provided such an opportunity class in a Lexington school.

Unquestionably a dusty schoolroom is a menace to the delicate lung tissues of the school child, as well as a source of danger from infection, and yet many schools were found with dust lying thick upon the floor. In 15 rural schools visited in one section 10 had floors

which probably had never been oiled, and five had floors which had been oiled often enough to be of value. The usual method of dry sweeping raises dust in the school room, and leaves a dusty atmosphere for the children to breathe next day, even when it is done after school hours. Of 10 schools in another section, including cities of the second, third and fourth classes, nine were swept with nothing to keep down the dust, while one used "dust-down" or wet sawdust only part of the time.

A desk or seat which keeps a child in a cramped or unnatural position from four to six hours a day frequently causes not only cramping and congestion of the vital organs with their many ill effects, but often aggravates and even causes deformities and malformation of the chest because of the soft and flexible condition of the bones in the growing child. Adjustable seats or desks are the only kind which can be made to fit every child in the schoolroom, and these are indeed rare in Kentucky. A small number of adjustable seats are scattered through the schools of Louisville and some second-class cities. They are also found in a few model schools, but except for these isolated instances the child who finds a seat and desk which he can sit in naturally and with comfort is fortunate. In 16 graded schools visited in one section 75 per cent. of the rooms had desks and seats for small children in the primary grades of the same size as for the older children in the sixth and eighth grades. The figures may not hold good for graded schools throughout the state, but in the rural schools little or no attempt is made to fit the seats and desks to the children.

Water should be supplied to growing children in liberal quantities, and above all should be pure. Except in cities that have a safe municipal supply, the water of Kentucky schools is often either polluted or in serious danger of becoming so. Many rural schools have open wells or cisterns unprotected from surface pollution and frequently within a few yards of filthy privy vaults. Such conditions only require the presence of a convalescent typhoid patient or a typhoid carrier to cause a serious typhoid epidemic among the school children. At only a very few schools was it found that the water from wells, springs, or cisterns had been analyzed, and then only on one or two occasions.

Wells, cisterns and springs where buckets are used to dip out the water are always a potential source of disease. In 29 rural schools visited 13, or nearly half, had no water supply whatsoever; in some cases it was carried in a pail from some house at a distance. One teacher when asked about the drinking water said: "I git it from a spring. It warn't healthy, but I gives it to 'em to make 'em shet up."

In 23 rural schools visited all but three had common drinking cups, although it is against the law for a common public drinking cup to be used anywhere in the state.

Schools in cities of the first three classes, and most of those of

the fourth class, are supplied with drinking fountains, but probably over half of them are insanitary in that the pupils must place their lips upon the fountain in order to obtain water.

As mentioned under the subject of typhoid fever, the proper disposal of human excreta is still one of the great health problems of Kentucky. Typhoid fever, hookworm, dysentery, diarrhea of infants, and other intestinal diseases stalk through the state, exacting a distressing toll of preventable sickness, suffering and early death, and the experience of other states indicates that Kentucky will never make any advance in the control of these diseases while the schools have disgustingly insanitary toilets. Dr. McCormack, Secretary of the State Board of Health, estimates that at least one-third of the schools have no toilet or privy at all. Where a building has been constructed for the sake of some decency, the floor and seats were frequently found filthy with excreta and mud and unfit for use.

Of 41 schools visited in rural districts and cities of the fifth class, only six, or 14.6 per cent. were found with sanitary privies; in seven others the toilets were insanitary and a menace to health, but in a fair state of repair and insuring privacy; in the remainder they were filthy, many with excreta running out upon the ground exposed to flies and small animals. Some had large holes and cracks in the floors, in others the doors were broken off and dilapidated.

Every school in Mason County has been provided with two Kentucky sanitary privies or flush toilets; and such facilities have also been installed in a large proportion of the schools of Jefferson County. These two counties are the only ones in Kentucky with all-time health officers.

Like school lunches, medical inspection and nursing service have been started through the efforts of philanthropic individuals, women's clubs or Parent-Teacher Associations, but not on so extensive a scale. From 28 to 33 per cent. of the men from Kentucky examined in the recent draft were rejected because of physical defects. A very large part of these were remediable and should have been cared for during the school age.

It is an economic principle that "education is wasted upon children who are not in a condition to receive it," and it is wasted as well, upon children who have received it, if they are not in a condition to use it. Among 661 school children examined by the all-time county health officer in Mason County only 39, or six per cent., were found with no apparent physical defects. As many as one-third of those examined were in need of prompt medical attention. This number did not include 411 children with dental defects, which are certainly of serious import to a child's general physical condition. Among 4,001 school children examined by the county health officer of Jefferson

County, over 27 per cent. were found physically defective. Among 2,693 children examined in the schools of Newport, 977, or 36 per cent., were found who needed medical treatment; of 2,004 children examined in the schools of Henderson, 38½ per cent. had serious physical defects.

According to the report of the Louisville Board of Education for 1918, 38.7 per cent. of the absences from the schools were due to sickness, and during the last six years 45 per cent. of them have been caused by sickness. In the Lexington schools 40 per cent. of the absences during the year 1917-18 and in Maysville 39.7 per cent. for the same year were due to this cause. These figures represent many days of school lost and large sums wasted, and yet we know that at least 40 per cent. to 50 per cent. of such sickness is preventable.

Most schools make no effort to control measles or whooping cough unless a serious epidemic occurs, and then the schools are usually closed—in most cases a useless and unscientific procedure. Some school principals make an attempt to have the local health officer report to the school when there are children attending from a home with contagious diseases, and in a few cities absentees because of sickness are examined by a physician before returning to school. Such methods only catch an occasional case which would spread infection and are in no way a substitute for scientific epidemiological procedure.

Louisville has six part-time medical inspectors and six full-time nurses in the schools. The medical inspectors are expected to spend four hours per day in this work, for which they receive \$100 per month. With three times this number of inspectors, and 36 instead of six nurses, under a competent full-time director, Louisville would be able to begin effective work in the control of communicable diseases and correction of physical defects. An additional staff of assistants for supervision of instruction in hygiene and physical training, and several recreation specialists all under the same director, would make possible a real health program in the schools with proper correlation among all its parts.

LOCAL HEALTH ADMINISTRATION

1. About one-sixth of the population is in towns of over 20,000 inhabitants, hence only a fraction of Kentucky's health problem can be worked out on the usual plan of a city health department. It is mainly a problem of health administration in the small town and county.

In most communities there is no idea of an intelligent health policy, and only when a severe epidemic strikes the community is a health officer or board of health thought of, and yet every community has intelligent citizens and leaders in other forms of community

progress. The pressing need is the continued leadership that may be had from public health experts.

A state board so enlarged and organized as to be able to reach and lead all the small communities would be uneconomical and undemocratic, and would tend to become unwieldy and institutionalized. Home rule with state advice and supervision is the logical and American alternative. This in theory is the basis of the present system of public health work in Kentucky, but it is defeated by the inadequacy of local machinery.

2. The present plan of appointing as health officers for part-time service, physicians dependent upon their practice for a living, not only provides insufficient service, but in many cases where a salary is paid it is positively a waste of public money. The writer conferred with the health officers of 26 counties, and also with health officers of towns in these counties, and in every case, except where all-time health officers were serving, it was revealed that the health officer felt he couldn't afford to spend the time on the work the position demanded. If this is true under ordinary conditions, is it any wonder that with the added number of patients to care for in an epidemic, the health officer with a private practice can devote no time to its control?

One health officer stated that he had "closed a school for whooping cough last week," but admitted that he had not been in the town where this school was located and did not even know how many cases there were. Many of the health officers interviewed knew practically nothing about the character of their municipal water supply, although, of course, the control of this important carrier of disease is one of the first duties in disease prevention. One in a city of the fourth class did not know whether the city water supply was treated or not; a few weeks later an investigation by the Sanitary Engineer of the State Board of Health showed that it was badly polluted and needed prompt attention.

Some counties and many towns are unable to persuade any physician to take the position of health officer and so "drift along" with an inactive board of health. One city of the third class refused to pay a health officer, and all the physicians had declined the office, although \$7,980 per year is being paid in salaries to police and firemen and monthly contributions are made to the Salvation Army for poor relief. This city is not without public-spirited citizens, but there is need of leadership to place the matter squarely before the people. The health officer in a city of the fourth class told the writer of a public health lecturer who had shown the "pellagra germs" under a microscope! Another (who also had evidently done his studying before the days of bacteriology) said there was no use in having the water examined by the State Board of Health, because he had "heard

them tell at a health officers' meeting that they couldn't find the typhoid germs in the water anyway." These instances are in no way to be understood as a general condemnation of the health officers of Kentucky, for they deserve the highest praise. Whatever service has been rendered, the physicians have given in a truly altruistic spirit and in some cases at considerable personal sacrifice. But the facts do indicate a need for paid and trained public health specialists.

3. Louisville and the other cities, of course, have made far greater efforts to improve health conditions than the rural sections. Each of the cities has made some distinct advance along special lines. During the war the force of the Louisville Health Department was trebled through the pressure put upon the city by the army and the United States Public Health Service because of the proximity of Camp Zachary Taylor. Louisville's organization is still lacking in a trained full-time personnel, and with the small force employed for public health work it is out of all proportion to have fourteen full-time men for the inspection of meat. The city is particularly to be commended for its work in the control of venereal diseases; the clinic was increased from about 300 patients to 2,870 patients per month, and the "red light district" was closed. Its psychological clinic in the school system furnishes diagnostic facilities for determining mental defect, facilities which should be supplied throughout the state as a necessary preliminary in the control of this menace.

Lexington has a good tuberculosis sanatorium, with a trained full-time superintendent who is conducting a tuberculosis clinic. Newport has school physicians who have examined the school children for physical defects and have lectured to the teachers.

But only a few steps have so far been taken in the direction of properly caring for children's health. Real results will come only when these cities have modern health departments with trained full-time officials. It is hoped that Louisville may eventually point the way and show what can be done with a modern city health program.

A further illustration of the need of full-time public health service in all parts of the state is found in the new law concerning the care of the feeble-minded which provides that health officers and public health nurses shall institute proceedings to secure the segregation of feeble-minded persons who are likely to propagate their kind. Without such trained service the enforcement of this law is left to the uncertainty of private effort.

SUMMARY

The State Board of Health is the public health leader in Kentucky, and the State Medical Association is its sponsor. On account of

failure to realize local responsibility and to organize full-time county health departments, every one of the preventable diseases mentioned, with the possible exception of scarlet fever and smallpox, is daily laying its blight upon children in spite of the fact that it is preventable by known methods of public health science.

The prevention of infant mortality and blindness of the newborn has been neglected here as elsewhere and immediate attention to these matters is a crying need.

The school system is backward and as a consequence, every phase of school hygiene suffers, for it is the custom of both local and state health departments in the United States to allow school officials to take the initiative in physical education and health protection of the school child. Hookworm, trachoma, tuberculosis, and typhoid fever have rightly demanded first consideration among Kentucky's problems. Their control is probably the more dramatic, and the methods used are thoroughly proved and demonstrated, but a physical education program is also urgently needed for the children, and health and school officials must unite for its development.

We have discussed local health administration because, however effective the state machine may be, it cannot accomplish its purpose without the active and constant help of efficient local departments. The greatest need to be supplied before Kentucky can make substantial progress is modern local health departments with trained all-time staffs.

RECOMMENDATIONS FOR A STATE PROGRAM

I. A state should lay broad plans for such growth of the public service as will protect the health and develop the capacities of her children. This program will demand expert leadership and a comprehensive organization with the State Board of Health at its head.

1. Already twelve bureaus of the board have been organized or planned for, and this development is heartily commended.

2. Extra appropriation is needed for the Bureau of Child Hygiene.

The duties of such a bureau should be:

- (a) To promote the establishment of prenatal centers for physical examination and supervision of expectant mothers; to aid and advise such centers; to extend the services of public health nurses, especially in home visiting; and to provide for instruction in the hygiene of maternity and care of infants.

- (b) To provide for the instruction, examination, and licensing of all midwives through the local health department.

- (c) To promote the establishment of maternity hospitals or of maternity wards in general hospitals to the end that all necessitous and complicated cases may receive proper obstetrical care.

(d) To assist the Bureau of Vital Statistics in enforcing the law regarding birth registration.

(e) To promote the establishment of children's health centers for physical examination and for instruction in the care and feeding of infants and children of pre-school age.

(f) To prepare literature and other educational material for the general public regarding the prevention of infant mortality and conservation of child health.

(g) A special section of this bureau should be devoted to school hygiene, as it relates to physical examination and correction of physical defects, control of communicable diseases, and sanitation of school buildings; and to advising of the State Department of Education and assisting it in developing a state program for playgrounds, recreation, physical training and the instruction of the school child in health essentials.

(h) An expert should approve all plans and specifications for schoolhouses and also their location and equipment, as they relate to the health of children, according to rules and regulations of the State Board of Health, and in co-operation with the State Department of Education. ..

3. The children should be insured against a shortage of milk. To this end the establishment of more dairy farms should be encouraged and the number of dairy inspectors of the Bureau of Food and Drugs of the State Board of Health should be increased to at least seven so that the purity and the pasteurization of milk supplies may be furthered.

4. A special appropriation should be made to match the subsidy offered by the Federal Government so that the Bureau of Venereal Disease of the State Board of Health may continue the campaign started during the war against venereal diseases.

5. Trachoma prevention should be extended through state aid for the present work being done by the United States Public Health Service.

6. Every child applying for a work permit should be required to show the certificate of a health department physician or a school physician that he has good health, normal development, and is physically fit for the work at which he is to be employed. While at work under a permit each child should receive the medical examinations and supervision of the school health service.

7. A special bureau of publicity and public health education should be created under the State Board of Health to use all channels for reaching the people, or else the State Board of Health should push all phases of health education through its own director in co-operation with a publicity clearing house in charge of a publicity engineer under the Kentucky Co-operative Council.

II. A school for health officers and public health nurses has been established in connection with the University of Louisville and the State Board of Health. This school is needed to train Kentucky men

and women for health work. It is planned that the directors of the several bureaus of the State Board of Health shall be the instructors of the school according to their specialties. The strength of the state's public health machinery will depend upon the personnel directing these bureaus of the State Board of Health since they will in turn train most of the local health executives. This plan emphasizes the need of sufficient state funds to provide salaries that will insure the continued services of experts.

III. Physical education and health protection of children should be further developed through a Bureau of Physical Education in the State Department of Education. The various lines of health work in the schools can best be correlated through central administration. As soon as trained all-time health officers are provided, the Director of Physical Education should direct school medical work through the county and district health departments, and standardize the teaching of hygiene, health habits and physical training through the school superintendents and physical training directors.

Legislation such as is recommended by the United States Bureau of Education and the National Committee on Physical Education should be enacted in Kentucky for the development of a school health program that will correlate the prevention of communicable diseases, the correction of physical defects, and the sanitation of school buildings, with instruction in personal hygiene and health habits, positive health and strength development through nourishing school lunches and dietetic instruction, and a broad program of exercise, athletics, and outdoor and indoor healthful recreation. Such a program will require expert directors of hygiene in the educational system to work co-ordinately and in co-operation with the health departments.

IV. All this state machinery will require trained personnel for the local health departments in order to reach every citizen. Funds should be provided so that state aid may be given to each county or group of counties that will establish a health department with standards conforming to the rules of the State Board of Health. Such a department should have a trained full-time health officer, public health nurses and as many trained assistants as the size of the county or district demands.

V. Education of the public is necessary before the people will pay for health work. Channels through which the state agencies can reach the individuals of the various communities are necessary for such education and must be provided through local community organization. Present groups and societies in the community should be federated in order to intensify and broaden the scope of community organization and foster the growth of community spirit. A community center or an organization like the Community Councils of National

Defense or the Cincinnati Social Unit Plan may serve as the channel through which the public health and other welfare publicity may operate.

VI. In Kentucky the degree of co-operation secured from the State Federation of Women's Clubs, the Kentucky Tuberculosis Association, the State Farmers' Institute, the State Federation of Labor, the Kentucky Educational Association, and other societies, has made it possible to secure the advances made, and the continued co-operation of these organizations and particularly that of the American Red Cross as it has been re-organized, will greatly assist in arousing public sentiment. Heretofore the state has looked to the medical profession for leadership in public health. The problem is now too broad for it to be left to any one group. The medical profession has its particular problem of state health work in providing curative medical service to all its citizens. Public health also depends upon prompt diagnosis and treatment of persons in ill health in order that more serious conditions may be prevented. The improvement of scientific medical practice through post-graduate medical instruction and study, traveling clinics, lectures for the medical societies, extension of laboratory facilities, more hospitals, and eventually group diagnosis and pay clinics, should mark the growth of a health program. This medical development should make possible the establishment of health clinics for early diagnosis, prompt treatment and advice for the prevention of tuberculosis; prevention of infant mortality and venereal disease; and also the establishment of other special clinics for physical examination, for consultation as to care of children of pre-school age, for special treatment of children with surgical and orthopedic conditions, for prenatal examinations and care, for psychiatric and psychological examinations, for dental prophylaxis and care, and for the various medical specialties of a modern hospital and dispensary.

SCHOOLS

ELIZABETH BLISS NEWHALL*

In order to test the adequacy of a public school system it is necessary to attempt a definition of a state's duty in the matter of public education. For the purpose of this inquiry it is held to be the state's duty to see that every child between the ages of seven and eighteen years, regardless of race, family condition or place of residence, receives an education which will so develop his individual powers as to prepare him for such active and intelligent citizenship as he may be capable of, not only in his own community and state, but in the nation. Citizenship is here understood not in its narrow political sense, but as a participation of the individual in the activities of the group. Wherever a child is so handicapped either physically or mentally as to be unable to secure such education through the channels of schools for normal children, it is the duty of the state to make special provision for such child, and to take such action as will reduce to a minimum the number of children so handicapped.

Does Kentucky provide for its children an education which enables them to develop into useful citizens?

Typical counties located in different sections of the state were chosen for this study. These counties were intensively investigated. The county superintendent and teachers were interviewed, and both rural and city schools visited. In addition to this, a careful study was made of state administration. Such problems as the qualification and certification of teachers, the course of study, in special reference to vocational work, and the methods of enforcing the compulsory education law, were investigated in detail. The sanitation of school buildings was taken up by the special investigator of public health and the findings are given in detail in this report. In the same way the effect of child labor upon the school attendance will be found in the child labor report. It was difficult to determine to what extent non-attendance was the result of the influenza epidemic in 1918 and 1919. However, effort was made to go back to records previous to the outbreak, in order that a fair judgment might be formed.

Laws and Administration

The State Board of Education in Kentucky consists of the superintendent of public instruction, the secretary of state and the attorney general. Its duties are to attend to all matters pertaining to the government of the common schools, to provide a course of study, to

*Assisted by Miss Alexina Booth of Louisville.

establish qualifications for the teachers employed. As can be seen, it is not by any means a professional board nor is it necessarily composed of persons particularly interested in educational affairs. In fact, for all ordinary purposes the board consists mainly of the superintendent alone.

The state superintendent is chosen by popular vote, and is not eligible for re-election. His salary is \$2,500 a year with an addition of \$1,500 for his work as chief inspector and member of the board of examiners. The lack of permanence in the position weakens his influence; he no sooner learns the best methods for conducting the work of his office than his four years' term is over and a new man has to be broken in. It is quite obvious that this office should be removed from politics at once.

There are three special supervisors, one of high schools, who is a member of the faculty of the State University of Kentucky and is partly paid by that institution to do this special work: one of rural white schools, and the other of colored schools, who are paid agents of the General Education Board.

1.—There is no reason why these supervisors should be paid by a private organization and the state should assume this responsibility. Valuable work is done by these men, but they are greatly in need of assistants to do more intensive supervising, leaving them free to direct policies.

The State Board of Examiners consists of the superintendent of education and two professional educators appointed by him. Its duty is to examine all applicants personally applying to them for certificates of qualification as county superintendents or for state diplomas or state certificates. This board also prepares the series of questions for the examination of candidates for county certificates.

For the purposes of the administration and supervision of the county school system, the county is divided into four, six or eight educational divisions, each one composed of a certain number of school districts. There is a division board made up of the trustees of these school districts and the county board of education is composed of the chairmen of the division boards.

2.—There is one strong feature about this county board. Its members represent different school districts and undoubtedly know the local situation. However there is danger of having men serving who have little knowledge of educational matters and who are unable to represent their districts intelligently. The present qualification for the office of sub-district trustee is the ability to read and write; if this standard could be raised the county board would be strengthened.

The county superintendent is elected by the people, and is therefore dependent upon political favor for his office:

There shall be a County Superintendent of common schools in each county of the state, who shall be possessed of good moral character and ability to manage the common school interests of the county efficiently. He shall possess a good English education and shall be competent to examine the teachers who shall apply to teach the common schools in the county. He shall be twenty-four years old at the time of qualifying, a citizen of Kentucky * * * No person shall be eligible to the office of County Superintendent, unless he shall hold from the State Board of Examiners a state diploma or a state certificate; or a diploma granting the degree of Bachelor of Arts or Bachelor of Science in Education, or an advanced certificate issued by the State Normal School. * * * In the county embracing any city of the first or second class and maintaining a system of public schools separate and distinct from the common schools of the county, no person shall be eligible to the office of county superintendent other than a resident of such county outside of such city or town.

As can be seen by the above law, a high standard is not set for this important office. The last clause quoted makes it impossible to select a man who resides in a city no matter how efficiently he might fill the position. The salary is too low to attract the type of man best fitted for this work, the law providing that the salary shall not be less than \$600 nor more than \$2,500 per annum, and to secure properly trained men for this office, it would be necessary to make the maximum salary the minimum.

There are six different classes of cities, as determined by the population, and in all of them schools are managed by independent boards of education elected by the people. The city superintendent is appointed by the city board and as a usual thing the standards are reasonably high. The board is not restricted by territorial limits in the choice of a man for this office and in some cases, especially in cities of the first and second classes, superintendents from outside the state are secured.

School Finance

For the support of the public schools the following sums of money are appropriated by the state:—

1. The interest on the bond of the commonwealth for \$1,327,000 in aid of common schools at the rate of 6 per cent. per annum.
2. The dividends on 798 shares of the capital stock of the Bank of Kentucky representing a par value of \$79,800 owned by the state.

3. The surplus, \$381,986.08, now due the several counties and remaining a perpetual obligation against the commonwealth for the benefit of said respective counties for which the commonwealth shall execute its bond, bearing interest at the rate of 6 per cent. per annum.
4. The interest at 6 per cent. per annum on \$606,641.03 received from the United States under an act approved March 2, 1891.
5. The annual tax of 18 cents on each \$100 of value of all real and personal estate and corporate franchises directed to be assessed for taxation.
6. Such portions of fines, forfeitures and licenses which may be realized by the state as the amount of taxes for common school purposes bear on the whole state tax other than for the benefit of the Agricultural and Mechanical College.

This money constitutes the school fund of Kentucky and is distributed on a per capita basis among the counties, to be used for the payment of salaries only, unless otherwise specified. The amount per capita last year was \$5.65.

It is the duty of the county board to estimate and lay before the fiscal court the educational needs of the county, and the county shall levy a tax for school purposes not to exceed 30 cents on each \$100 of assessed valuation of property in the county as well as a capitation tax not exceeding \$1.00. The money so raised shall be expended in the building, improvement and equipment of schoolhouses, in the purchase of real estate, in the payment of teachers and in the extension of the school term.

In 1918 only 13 counties levied the whole 30 cents on the \$100; four levied 25 cents; 60, 20 cents; eight, between 16 cents and 20 cents; 16, 15 cents; two between 10 cents and 15 cents, and four, 10 cents only. No record was secured for sixteen counties.

That the local tax is inadequate is evident. There is a surprising lack of any feeling of obligation on the part of the local unit. When the assessed valuation of property was increased many of the counties deliberately cut down their appropriation for school funds, because they could still raise a sufficient amount of money to run a school similar to that which they had had in former years and yet decrease the amount levied. The usual reason given for the low tax is poverty. This, however, is not wholly true. One county cut down its levy because of the poverty of the farmers, and on investigation it was discovered that the average individual tax for all purposes was only \$7.50 per year. The school fund could be tripled without any great hardship devolving on the farmers.

The sub-district also may levy a tax for school purposes. Upon petition of ten legal voters, the division must submit to the voters the question of whether or not a tax shall be levied upon taxable property of the sub-districts for local school taxes. Such tax is

not to exceed 25 cents on each \$100 of taxable property, but it is rarely levied.

One of the main reasons for the lack of local interest in school problems and for the absence of almost all sense of local responsibility for financing the schools is that the state gives just enough money to the counties to make possible the existence of poor schools for six months. When the federal government gives money to the state to be used for school purposes, as for instance under the Smith-Hughes Act, the state is required to raise an equal amount of money. In the same way the state should fix a standard and require the county to meet it directly.

Certification of Teachers

There are two kinds of certificates issued by the state board. The first is the state diploma, issued by the State Board of Examiners to any person not less than 24 years of age who has taught at least two years in the state. The candidate must pass all subjects in the common school course of study, also science of teaching, psychology, English literature, higher mathematics, physics and elementary Latin. Personal examination is held at the state capitol.

The candidate must attain an average of 90 per cent., no subject less than 70 per cent. Any person holding this certificate may teach in any school in the state and is also eligible to the office of county superintendent.

The state board also issues a state certificate to any person at least 21 years of age and who has taught for two years. The candidate must have received an average of 90 per cent. and not below 70 per cent. in any one subject, the examination including all subjects in the common school course of study plus English literature, elementary algebra, higher arithmetic and the art of teaching. This is valid in any school in the state for a period of eight years.

The county also issues two kinds of certificates. A certificate of the first class is issued by the county board of examiners to all candidates who have reached the age of 18 and have passed the county examination with an average grade of 85 per cent. in all subjects of the common school plus science and the art of teaching, and not less than 65 per cent. in any one subject. The certificate is valid in the schools in the county in which it is issued.

There is also a second class certificate issued by the county board of examiners to all candidates of 18 years and over who have passed an examination in all subjects of the common school plus the art of teaching, with an average grade of 75 per cent., no subject below 60 per cent. A person holding a second class certificate may teach in the county schools where there are not more than 75 pupil children.

The normal schools and the University of Kentucky also issue teachers' certificates.

The main weakness in this system of certification is the lack of uniformity. Each county issues its own certificates which are valid in other counties only in case of a temporary emergency. It would seem wise to keep the control of the issuance of teachers' certificates in the hands of the state department, which should standardize all certificates issued to teachers in the county schools.

RURAL SCHOOLS

For this investigation rural schools in the following counties were visited: Graves, Livingston, Christian, Daviess, Muhlenberg, Warren, Edmonson, Barren, Larue, Jefferson, Bourbon, Madison, Estill, Lee, Bell, Harlan, Mason, Boyd, Monroe. These counties are situated in different parts of the state, and have different economic conditions and therefore it is believed that they are representative of the rural situation.

Rural School Buildings

The usual type is a one-room frame house lighted from both sides. According to the report of the state superintendent of education in 1917, out of 8,115 houses, 7,025 were one-room buildings of which 123 were located in ordinary log cabins. Many are situated far from the road and in most inaccessible spots. The grounds are barren of trees and grass. The houses themselves are in poor repair with broken windows, torn shades, and often broken benches, and there is a general sordidness about them. The following illustrations are unfortunately typical of many of the buildings in the state.

A certain schoolhouse in Muhlenberg County is situated at a crossroad, the only building near it being a church which has not been in use for the last few years. The nearest farmhouse is one and a half miles away. The roads are in very bad condition. During pleasant weather in April, the investigator found them almost impassable, and in winter they are closed to all traffic for months. It is a one-room schoolhouse, without cloak rooms. The windows are broken and stuffed with rags. There are no shades. The inside of the building is painted dark green. Benches which accommodate three or four children are broken and the teacher's desk is minus one leg. Books with their covers torn off were on the floor and on the desks. There are no blackboards; one side of the wall is painted black and used for this purpose. Potato sacking is stuffed in a hole in the wall.

In Graves County the investigator visited a schoolhouse situated about a mile from the main road on an almost impassable lane. At the time this road was dry; but the only way to reach it was on foot or horseback because of the terrible ruts from the spring rains. The house itself is in a swampy hollow.

This is a one-room building without cloak rooms, with cross lighting and heated by an old broken stove (red with rust) in the center of the room. Window panes are broken and stuffed with rags. The stairs leading to the building are broken down.

The school of a certain town in Barren County is situated outside the town limits. For this reason many parents objected to sending the younger children and a subscription school was opened in an abandoned shed formerly used for a store. The only light in the room comes from the big store window at the back and from the door at the front. There are wide cracks between the clapboards through which in bad weather the rain comes. Practically all the equipment is homemade. The children use tables made from soap boxes. One small blackboard about three feet square in size was the only one found available for all the children.

As a general rule the buildings in the graded districts are somewhat better than those in the purely rural sections. They are, however, not built according to any scientific plan, but according to the whim of the individual architect. In almost all cases the lighting and heating are incorrect, and there is practically no provision for vocational work of any kind.

In Madison County, through the efforts of the normal school department of Berea College, a model school building known as the Scaffold Cane School has been erected. In addition to the main schoolroom, there are two excellent cloak rooms, one of which can be used as lunch and play room on rainy days, and three small rooms, one used for manual training, one for cooking, and one for library and office. The building is situated on an attractive plot of land on a main road near crossroads. The children have helped improve the place by making gardens and by keeping the grounds cleared. In addition to the regular required work, efficient work is done here along vocational lines, owing largely to the fact that the building affords opportunity for such activities.

The type of schoolhouse has necessarily considerable influence on the work accomplished. It is impossible to expect a teacher to keep up her enthusiasm and her interest when she is working under almost intolerable conditions. Children are far less likely to come regularly to an old, dilapidated, unattractive schoolhouse than to an attractive, modern one, and the surroundings help to determine the discipline of a school. Even the course of study is greatly affected by the building, as it is impossible to introduce any kind of work in sewing or cooking or manual training or agriculture without a proper place in which to carry on these studies. Lastly, the whole community is influenced by the kind of school building, as adequate social center work is impossible in the usual building found in this state.

Rural School Equipment

In the school laws can be found this provision:

The County Board of Education shall furnish each school-house with at least the following articles of furniture and apparatus: teacher's desk and chair, a seat, patent or otherwise, with back, for each child, the height of the seat and its back to suit the age of the child; no desk or bench to be made to accommodate more than two children; writing desk for all pupils; black-board space of at least fifty square feet; water stand.

Even these few articles are missing in many of the schools. In only two schools visited were adjustable seats found. In five others there were seats of varying size, but in all the rest benches were of one size and unfitted for many of the children. In place of ordinary blackboards, one side of a room is painted black and used for writing purposes. Often there is no desk for the teacher, who is compelled to use one of the desks provided for the children. In many schools three children are accommodated on the same seat.

A district school in Bourbon County has an insufficient number of blackboards. On one side of the room the wall is painted black instead of dark gray like the other walls, and this space serves as a blackboard. In many places the paint is entirely worn off. There is no teacher's desk.

A small school in Muhlenberg County has no blackboards. One end of the woodwork is painted. Non-adjustable seats, accommodating three children. No maps. No charts. No globe. No pictures.

In almost every case the teacher has to work with little additional equipment beyond one set of charts on various subjects and occasionally a globe. There is a great lack of any materials for supplementary work, very few maps and no pictures of any kind beyond food posters distributed during the war. Here and there one finds an organ or piano, but this is usually in the larger schools; only in a very few instances are they found in one-room schoolhouses. There are in certain schools, libraries consisting of from ten to thirty volumes, most of which were bought with money raised by a "pie supper." Often the books are not suitable. There is a lack of all vocational equipment. Even if a teacher is ambitious and wishes to teach cooking, she will find it almost impossible to secure a stove and the necessary utensils, should she find a place to do this work.

An exception to this general condition is found in a model school in Jefferson County, the Ballard School, which was built as a memorial. Here in a separate building, is excellent equipment for shop-work for the boys, and cooking, sewing and canning for the girls. In

the school building itself are a fine endowed library, a good piano, and collections of Indian relics. There also are pictures on the wall, plenty of blackboard space and adjustable seats than can be moved to any part of the building.

The Rural School Teacher

Too often the rural school teacher in Kentucky is poorly educated. In every county a large number hold second-class certificates; as these are issued to any person over the age of 18, who has passed an examination in all the subjects of the common school with an average grade of 75, many teachers have no education beyond that of the eighth grade. Indeed, teachers have been appointed who did not even complete the common school, but were able to pass the required examination.

In Harlan County 24 out of 87 teachers have not gone beyond the eighth grade. Of this number eight have not completed the common school. In Bell County 70 out of 101 have had a common school education only. The investigator visited a subscription school in Livingston County where six teachers had returned after a year of teaching to be drilled in the work of the eighth grade which they had never had.

Everywhere there is a lack of high school graduates. A great many teachers have taken some work in the normal school, frequently for not more than one or two terms. As a whole, the rural school teacher is without any adequate preparation for the work she has undertaken. The following figures illustrate this:

Out of 150 teachers interviewed and from whom full information was obtained, 48 have common school education only, 15 are graduates of the common school with one term at normal school, 17 have two terms normal and 15 three terms normal. Only nine are graduates of the normal school. One teacher has had one year of high school, 24 have had two years high school and eight two years of high school with one term at normal; ten are high school graduates and have finished at some private college.

The average rural school teacher lacks experience as well as training. With the exception of some old teachers who have been a long time in the system and who too often have been unable to keep in touch with the modern educational methods, most of the teachers found are just beginning to teach. There are very few with from five to ten years of experience. It seems quite evident that numbers have given up the profession to seek more remunerative work. This is one of the greatest weaknesses in the county school. Children are

under the care of men and women who have had neither proper training nor sufficient experience, who have but meagre vision of their work and who have had but little opportunity to secure the necessary technical knowledge.

There is also a constant changing of teachers from school to school, often in the midst of a school year.

In Bourbon County one girl taught in three different schools last year. A man in Edmonson County has a record of 13 years of teaching with never two terms in the same school. In 1916 a survey was made of Warren County; out of 99 teachers in this county only four had been in the same school for four years, nine had two schools in four years, 17 three schools in four years, and 69 had changed every year.

There are several reasons for this condition. The most common is the desire of the teacher to "better myself." Another district will offer more money or more opportunity for social intercourse and naturally such an offer is accepted. Sometimes it is because the trustee desires a change of teachers or wishes to give the school to the daughter of a friend or neighbor. Some county superintendents recognize the disadvantages and offer a bonus to a teacher for remaining more than one year in the same school.

Teachers' Salaries

A study of salaries reveals one of the chief reasons for the general inefficiency of the rural school teacher. They are so inadequate, in almost no instance a living wage, that one wonders how even poor teachers are procurable. Although the state law sets as a minimum salary \$45 a month, salaries range from \$35 to \$70 a month, the greatest number of teachers receiving from \$46 to \$57. As the school term lasts only six months, the annual salary is quite insufficient. No wonder the county superintendent and the trustees complain that they cannot secure enough teachers and that in many places schools have been closed because of this lack. The superintendent in one county told the investigator that 60 per cent. of his schools for the coming year were still without teachers and even without candidates. The following table is based on a study of the salaries of 100 teachers chosen at random from 15 counties. As these included the principals of two- and three-room schools the scale is slightly higher than that of the typical one-room school teacher. As it is only just to assume that a teacher's salary should be sufficient to make her self-supporting, the daily wages given in this table are based on the number of working days in the year, not on school days alone.

TABLE I.

SALARIES OF 100 RURAL SCHOOL TEACHERS

No. Teachers	Monthly Salary	Annual Salary	Daily Salary
8	\$35—40	\$210—240	\$.67— .76
12	41—45	246—270	.78— .86
18	46—50	276—300	.88— .96
23	51—55	306—330	.97—1.05
22	56—60	336—360	1.07—1.12
7	61—65	366—390	1.17—1.24
10	66—70	396—420	1.26—1.34

After studying these figures, one asks, "But how do they live?" Obviously, they do not depend upon their salaries for full support. Many live at home and do not pay for their board. In fact, many teachers are selected for this very reason. As one trustee said, "She doesn't need any more money. Her father keeps her." When a teacher does not live at home, she pays from \$16 to \$20 a month for board, and spends the six months when she is not teaching either with her family or at some other occupation. In many cases, teachers cannot get board for any amount they are able to pay and this is especially true in counties where there has been an oil boom. In Lee County, one school was closed all last winter because the teacher could not find a place to board; every family who had an extra room, rented it to an oil man for from \$60 to \$80 a month, and would, therefore, not consider taking a school teacher for the small amount she could afford to pay.

Considering these low salaries, it is not surprising that only the most ambitious and the most courageous attempt to meet the additional expense of a summer term at normal school. One teacher in Muhlenberg County who, in spite of a low salary, a difficult school and an unsympathetic trustee, had still ambition enough to enroll in the spring session of the Western Kentucky Normal School, shared with another girl a small room which contained no furniture but a bed and two chairs. This girl could not afford to board even at the dormitory where the board is extremely reasonable, but did light house-keeping, cooking over a small alcohol stove and using her trunk for a table. She was underfed, of course, but she was eager for an education that would enable her to leave the rural schools where she was underpaid and secure a living wage in a city. It is going to take her a long time to get that much-desired education, for she can afford only one term each year. It will be surprising if she has the courage or the strength to see it through.

To supplement salaries, small increases are given for special work done. The following schedule is typical of the majority of counties:

TABLE II.**SALARY SCHEDULE OF LARUE COUNTY
1918-1919**

School	Certificate	Minimum
Emergency	Second	\$35.00
Emergency	First	38.00
Second Class	Second	45.00
Second Class	First	46.00
First Class Principalship ...	First	56.00
First Class Assistant	First	50.00

ADDITIONAL

- One dollar per month for each year's experience.
- One dollar per month for high school diploma.
- One dollar per month for four terms normal, if teacher holds county certificate.
- Normal certificates are ranked as first-class certificates.
- Fifty cents per month for each 5 per cent in attendance over and above 40 per cent of census. This is to be calculated on attendance for full term.

In addition to the inadequacy of her salary, a teacher is further embarrassed by the irregularity of payments. Often she is forced to work three or four months before she receives any money at all, and almost without exception she must wait two months for the first payment. Many teachers report that when a school term is over, they must wait until after their vacation before receiving their full salary for the previous year. This is a considerable hardship. Teachers borrow of their parents or of the bank and can never be certain of the exact date when the money due them will be paid.

The main reason for the insufficient salaries found throughout Kentucky is the lack of responsibility felt by the community. Only a very small proportion of money spent for salaries is raised by local taxation, this item in the budget being paid almost wholly from the state fund.

Quality of Instruction

Considering the low standard for teachers and the totally inadequate salaries, it is not surprising that one finds the quality of instruction in these schools exceedingly poor. The most noticeable feature is the purely textbook recitation. Questions are asked directly from the book and the only answers accepted are those given in it.

In Christian County a fifth grade history class was reciting. The teacher asked the question: "How did Abraham Lincoln spend his early years?" There was an immediate interest shown and hands waved in the air. The teacher called on a small boy who volunteered, "He spent his early years a-readin.' Sometimes he'd read all night." The teacher was visibly annoyed.

"No, that's wrong. Does anyone know the answer?" This time only a few hands responded, but one little girl timidly suggested that "he spent his early years working hard and studying all night by the firelight." At this the teacher closed her book, delivered a sharp lecture on their lack of preparation and gave the correct answer: "Abraham Lincoln spent his early years in hardship."

Many classes in spelling were visited by the investigator and in numerous cases almost obsolete words were being given. In one school, children were spelling such words as "wolverine," "ocelot," and "zebu." In a Jefferson County school children in the fifth grade were learning to spell "asterisk," "astral," "astrology," and in the seventh grade "embryo," "jocund" and "nascent." In view of the present interest in civics, special attention was given to the teaching of this subject. As a general rule the children learned the lesson word by word from the textbook and recited it as though it were a memory exercise. In one school children recited in chorus the constitution of the United States, being prompted by the teacher, who did not know it herself, but who would look it up on a chart when the class needed help. In another school the teacher asked a question to which the answer was to be "electors." When no immediate answer came, she said, "Yes, you know it. It begins with an 'e'."

Often there is a decided absence of enthusiasm and interest on the part of the teacher, and discipline is of the formal type and quite unsuccessful.

In one of the Beargrass Counties there is a small, one-room school, presided over by a woman of about 50 years, who has had no education beyond that of the common school. Her school is in perpetual disorder, papers and remains of lunches strewn on the floor, the blackboards covered with old work and profusely illustrated with comic pictures by the children. The shades at the window are torn. Altogether it is a hopeless place. The children call across the room while classes are reciting, they openly prompt each other, and there is not the slightest evidence of any studying being done by those in their seats. The teacher carries a switch in her hand while teaching, but as a usual thing she doesn't seem even to notice what the children are doing. When visited, a fourth grade spelling class was reciting. The words "cayenne" and "curtail" were given, but the children did not know the meaning of either word. The general gigglings which followed the spelling of "curtail" indicated that their understanding of the word was the tail of a dog. It is safe to say that they gained very little knowledge except in ways of lawlessness.

In Muhlenberg County a little 8-year-old girl brought a bunch of wild flowers as a gift to the teacher, who upon receiving it said to her, "Throw out that trash before you come inside this building." It was not a surprise to find that school disorderly. The teacher was continually threatening to "paddle you."

There is everywhere a lack of correlation. Only in rare instances is there any relationship between the lessons and the life of the children. Arithmetic consists of long sums in addition, subtraction and so forth, generally done at the board. Often, in order to keep the older boys still, they are given long numbers to add. Nature study and agriculture are taught as separate subjects, and there is apparently no connection between history and geography. The lack of any knowledge of current history is everywhere obvious. In one school a class of 20 boys between the ages of 10 and 14 were unable to answer intelligently even the simplest questions concerning the war.

Few teachers have any knowledge of seat work; the children who are not reciting are told to study and are left alone so long as they are reasonably quiet. There is no hand work of any description.

Of course, there are exceptions to these conditions. Among the younger teachers, especially among those who are graduates of the high school, there is often an earnest effort to meet these problems intelligently. Unfortunately, such teachers are still too rare. This, however, is not the fault of the teachers. They are poorly trained and hopelessly underpaid, they have an unadaptable course of study and no proper equipment, their program is heavy and there is no opportunity for departmental work, and finally there is a lack of any kind of supervision.

The Course of Study

An extensive course of study has been prepared by the State Board of Education, which provides for the teaching of all required subjects and also additional subjects, such as domestic science and agriculture. After July, 1919, agriculture becomes compulsory. This curriculum also outlines supplementary books and suggests ways of enriching the course. The main criticisms are, first, the lack of any vocational work and the need of hand and seat work; secondly, it should be adapted to meet the conditions of rural life; and, thirdly, more space should be given to suggestions in ways of correlation. Kentucky is just beginning to profit by the Smith-Hughes Act, which appropriates to each state federal money for the teaching of agriculture, home economics, and trades and industries, provided that the state, county or city raise an equal amount of money. During the year of 1918-19 the following schools benefited by this law:

Teacher Training

University of Kentucky, Lexington.

Kentucky Normal and Industrial Institute, Frankfort (Colored).

Vocational Training

Mason County, Mayslick High School.
 Daviess County, County High School, Owensboro.
 Daviess County, Utica High School.
 Ballard County, LaCenter High School.
 Muhlenberg County, Greenville High School.
 Mercer County, Harrodsburg High School.
 Boone County, Burlington High School.
 Marshall County, Benton High School.

Colored

Fayette County, Maddoxtown High School, Lexington.
 Bourbon County, Little Rock Training School, Paris.

Home Economics and the Trades

Paducah High School, Paducah, Home Economics.
 Harrodsburg High School, Harrodsburg, Home Economics.
 Somerset High School, Somerset, Home Economics, Printing and general industrial classes.
 Owensboro High School, Owensboro, Home Economics.
 Pembroke Training School (Colored), Pembroke, Home Economics.
 Georgetown High School (Colored), Georgetown, Home Economics.
 Louisville, Girls' High School, Home Economics.
 Louisville, Vocational School.
 Louisville, Continuation School.
 Louisville, Night School for Working Men.
 Louisville, Colored High School.

Radio and Buzzer Classes

Frankfort High School, Frankfort.
 Louisville Vocational School, Louisville.
 University of Kentucky, Lexington.

Certain difficulties have arisen in the state in the administration of this law. In the first place there was a great demand for Smith-Hughes classes in home economics. According to the federal law a specific sum of money is appropriated to each state for work in trades and industries, 20 per cent. of which may be used for classes in home economics. As the demand was greater than the supply of money, Kentucky found that she could pay for instruction in home economics only 60 cents on a dollar and next year only 50 cents on a dollar out

of the money apportioned to her, while the other 80 per cent. of the money set aside for trades and industries was practically unused because of little demand.

The only solution for this condition is an amendment of the federal act. Another difficulty has been in securing sufficient teachers to conform to the standard set by the federal board. One reason for this is the low standards previously accepted by the state and it will be necessary for normal schools and colleges to raise them in order to meet this new demand.

The Smith-Hughes Act, however, has a tremendous influence on high school education in the counties. Wherever classes in agriculture have been started they have proved most popular, and without doubt numbers of boys and girls who otherwise would have left school have remained in order to take this work. In Daviess County the county high school at Utica is almost entirely vocational, both boys and girls taking agriculture according to the federal requirements. There is a constant demand in other counties for the establishment of these classes and this will without doubt have appreciable effect upon the new courses of study about to be issued by the state.

Extension of School Term

The state law reads:

The school term shall not be less than six months (120 days) and may by the superintendent of public instruction be extended to seven months or eight months, when the resources of the school fund or contribution by the local taxation or donations shall justify such extension.

Unfortunately this extension of the school term is very rare. Last year when so many weeks were lost because of the epidemic of influenza, only in a very few places was any effort made to extend the term and make up the work. In one district in Harlan County, the school term has been open only two months in the last two years. The Scotch mother of one of the boys attending this school said that she was hoping they could go back to Scotland, where she could get a proper education for her boy; that even when she was a girl she had had greater opportunity than her boy was having in America.

In length of school term as well as many other matters, the child living in the country is at a great disadvantage compared with the child in the city or small town. The average rural school is open six months in the year; the average graded school in the city of the fifth and the sixth classes, seven and one-half to eight and one-half months, while the child in cities of the first four classes has from nine to ten months schooling. Another disadvantage in these rural schools is that as a usual thing they open either in July or August and close in January or February, and because of this, many children do not

go to school for more than three months. They will not start in the summer mainly because that is the one time when they are most needed by their parents to work in the fields. So far it has been impossible to compel attendance at schools that are open during the months when child labor is most needed on the farm.

County High Schools

The law provides for the immediate establishment of one or more county high schools in each county, unless such a high school is already in existence and arrangements can be made to provide pupils completing the rural school course with free tuition. In spite of this law, there is a lack of sufficient number of high schools. What schools there are, are generally inaccessible, and only a small percentage of children are enrolled. The usual arrangement is a contract between the county board of education and the board in the largest city in the county, whereby the county board pays the tuition of any child who desires to attend the city school. As a usual thing, the child must go into the city and board for at least five days in the week, and therefore he does not receive his high school education without cost as does the city child.

In 1917 there was an enrollment in the elementary schools in the counties of 464,146 and in the high schools in the county of 12,226, which is only 2.7 per cent. of the total. In the city at the same time there were enrolled 69,829 in the elementary schools and 9,284 in the high schools, making 13.2 per cent. This shows the lack of equal high school opportunities for the city and the country child. Where county high schools have been established, the course is very often unadapted to the needs. For example, one will almost invariably find but one course given—the classical, which provides for entrance to college, although an inappreciable percentage of these children ever enter college.

There is very little public interest in the high school movement in the country districts. In one county a man was elected for the state legislature largely on a platform of complete abolition of high schools in his county. However, the new life put into the schools by the Smith-Hughes classes and the very excellent work being done by the state supervisor of high schools are helping to counteract this tendency.

Consolidation of Schools

Perhaps the one thing needed more than anything else to raise the standard of rural schools is the consolidation of the small district schools into a larger unit. This movement has become immensely popular in many states, but its growth in Kentucky has been slow. In 1917 there were only 79 consolidated schools in the entire state and

very few have been added since that time. In many counties, effort has been made to bring together certain districts into one school, but this has been very generally defeated. The reasons for opposition are, first of all, the very bad roads. There is no doubt that in many of the counties consolidation is entirely impossible until some measures are taken to provide better roads; in many places it is impossible to get from district to district during the months when there is bad weather. The second reason is that "transportation is too expensive." In many places where schools have been consolidated, no transportation has been provided, the children having to get to school as best they can. The greatest movement for the consolidation of schools has been found in Mason County, where it has been developed successfully.

Graded Schools

As a rule the buildings, the equipments and the requirements demanded of teachers are higher in these schools than in the ordinary rural schools. Owing to the fact that they are generally held in buildings containing at least five rooms, it is possible to have some form of departmental work with the older children. They are compelled by the law to have some high school work. These schools are under the direct supervision of five trustees, and practically the only contract they have with the county superintendent is when it is necessary for him to pay them the money from the school fund. This lack of any supervision is their worst feature.

The Subscription Schools

In order to supplement the work of the regular school, occasionally the parents in a school district hire the teacher to continue her work for two or three months, paying her as a usual thing \$2 per month for each child enrolled. If by any chance a child leaves school, he is not forced to pay the money for his tuition. Many times upon visiting these schools, the investigator was impressed by the fact that they are conducted better than the ordinary common school. The reason for this, however, is obvious. Parents generally choose the best teacher in the vicinity for this work, and the children are from homes where there is some interest in school activities. One great weakness in these schools is that the law does not establish any necessary qualifications for the teachers.

The Compulsory Education Law and the Rural School

The compulsory education law reads as follows:

Every parent or guardian or other person having the custody, control or supervision of any child or children between the ages of seven and 12 years inclusive, shall cause such child or

children to be enrolled in and attend some public or private or parochial school regularly for the full common school or graded common school term in each year in the common school district of the county in which such child or children may live in this Commonwealth.

There is, however, a different law for the child living in the city, who must attend school between the ages of seven and 16 inclusive, unless he is between the age of 14 and 16 and is working under a permit. An entire year may be wasted by the child in the rural community, because the child labor law will not grant a work permit to any child under the age of 14; therefore, the country child may leave school at the beginning of his thirteenth year, but cannot start work until he has reached his fourteenth birthday. There is no reason why this law should not be changed and the standard for the country child be raised to at least that of the city child.

According to the state law the enforcement of this compulsory attendance act is in the hands of the sub-district trustee. This trustee naturally dislikes to prosecute his neighbors and friends and so is very slow about enforcing it. Very often he is not convinced that it is particularly important for a child to attend school regularly and so refuses to co-operate with the teacher in keeping up the attendance. The county superintendent recognizes this weakness.

In Daviess County the superintendent states that there is a great deal of truancy in suburban districts and complains that it is utterly impossible to enforce the law as it is written.

The superintendent of Henderson County says, "It is not enforced, because it is nobody's job." Next year he hopes to have two truancy officers working in separate parts of the county. These officers to be paid \$65 a month.

In Edmonson County the superintendent says, "As I can see it, there are three reasons for the lack of attendance in our schools; first, the lack of interest of parents; second, lack of interest of teachers; and third, lack of co-operation between superintendent, trustees, teacher and patrons."

The School Census

The law relating to the taking of the school census reads:

The trustee of each school sub-district shall in the month of April biennially, make and return to the county superintendent a complete census of the children of school age residing in his district and for the performance of all his duties he shall be allowed and paid the sum of five cents for each pupil child recorded in such census. Another section of the law contemplates an annual census.

There are several weak points in this law; the census should be taken annually instead of biennially, and some provision should be made for securing information concerning the number of deaf, blind

and otherwise defective children in the county. At present the census-taker is told to omit all such children. Everywhere there is proof of the inaccuracy of the census.

In Livingston County the superintendent says, "It is fairly accurate but they usually miss five or six names in every district." Another superintendent reports, "It is never accurate. I know at least 12 districts where it is all wrong." Another county superintendent reports that the census is taken by "a teacher or daughter of almost anybody and is never accurate."

No use is made of the school census except as a basis for distributing the state fund. Almost never is any comparison made between it and the enrollment for the purpose of enforcing the attendance law. Unfortunately, the ages of the children taken in the census are not grouped in such a way as to show the number of compulsory school age residing in the county; this should be done in order that the state may see the results it is getting from the standards it fixes. According to the report of the state superintendent of public instruction for the year of 1917, the percentage of attendance based on the census in the 107 counties that reported was 49. The percentage based on the enrollment was 60.

The main reasons given for non-attendance are work, sickness, and indifference. It must be remembered that no matter how well a child labor law is drawn or enforced, it will be quite impossible to secure a high attendance rate if the schools are conducted in unattractive buildings with inefficient teachers, and if the course of study is not adapted to the needs of pupils in rural communities. The relationship between attendance and the efficiency of the school system is far closer than is often recognized. It is absurd to think that mere machinery can satisfactorily solve this problem. At the same time that the standard of a compulsory education law is raised, the school itself must be brought to a higher state of efficiency.

One fact stands out in studying the attendance in the rural schools. According to the report of the state superintendent for 1917, there were at that time 6,532 children over the age of 10 who could neither read nor write. When we remember the startling examples of illiteracy revealed by the draft, and then study this situation, we get some clue to the cause of that condition.

Supervision of Rural Schools

One of the greatest needs in the country school system is proper supervision. With untrained teachers teaching all the subjects of the common school in all eight grades, living in isolated communities where there is no opportunity for observation or for study in educational methods, the only possible solution is to have adequate and

intelligent supervision. At present all such supervision devolves on the county superintendent. This superintendent is chosen by vote of the people and is not necessarily highly trained in educational matters. In addition to this, the business and administrative end of the work must necessarily take a great part of his time. The reports from 110 counties in 1917 show that the total number of days spent in office work by the county superintendent was 20,986, while only 7,713 days were given to supervision. Most of the schools, especially in the most isolated sections of the county, are visited but once a year, and in almost no cases are three visits to the same school reported. The teacher can expect but little help from such supervision.

One of the first things that should be done is to appoint trained men and women in each county to supervise the schools and to help the teacher in her individual problems. As it might be difficult to provide these at once, it is suggested that the normal schools of the state and possibly the State University consider this as part of their extension work. If even one carefully chosen and properly trained worker could be sent into a county during the months when the schools are in session to visit and supervise carefully the work of the individual teachers, the effect on the school system would be marked. Such a supervisor could conduct model classes, could show the teachers how to make the most of their inadequate equipment, could give lessons in seat work and could help to awaken the interest of the community in the school as a social center. This would necessarily arouse the enthusiasm of the teacher and would give her a vision of her opportunity which, under present conditions, is almost impossible. During the vacation months, this same supervisor could conduct summer school work for such teachers as are unable to attend the session at the normal school. Surely this would be of far greater benefit to the teachers than the county institutes, helpful though they may be.

SCHOOLS IN INDEPENDENT CITIES

Cities of the First Class

According to the school laws, all cities with a population of more than 100,000 shall be designated as cities of the first class. Louisville is the only city of this size in the state, and with its population of over 250,000 presents problems not by any means typical of general conditions. A detailed study of this city's schools was not attempted as it is not necessary for the purposes of this inquiry. Many of the schools were visited, the superintendent, the truancy officers, and teachers were interviewed, and an investigation made of special features of interest. There is no doubt but that Louisville has an excellent school system.

In addition to the superintendent of schools, there are a number of supervisors in special subjects, and careful attention is given to the supervision of all the schools. Many schools are in modern buildings planned by architects with knowledge of the needs of a school. Where it has been necessary to continue schools in old buildings, effort has been made to keep them in good repair and to make them light and as sanitary as possible. There is, of course, a great deal of overcrowding and the old excuse is given of insufficient funds for new buildings.

The teachers in the Louisville schools are for the most part good. One reason for this is that the majority of the graded teachers have been trained in the Louisville Normal School and have been especially prepared for service in the city system. The fact that there is a good deal of departmental work, even in the grades, makes it possible to secure teachers especially trained and prepared to teach definite subjects, instead of expecting one teacher to be able to teach all subjects. No teacher is appointed who has not graduated from an accredited high school and had two years at Normal School. In the high school, teachers are required to have degrees from accredited colleges.

The salaries of the teachers are very low. In the grades they start at \$550 and there is an increase of \$50 per year until \$700 is reached. After the \$700 salary has been attained, there is an increase of five dollars per month to \$900. In the high school, the teachers usually start at \$70 or \$75 per month with an increase of \$100 a year up to \$1,000; then the increase is \$50 per year up to \$1,300. During the past year, it has been exceedingly difficult to secure a sufficient number of teachers. With all the opportunities for other work, teachers have refused to remain for the small salaries that Louisville could afford to pay.

The Louisville Normal School is a successful institution. Only students who have graduated from a high school and were among the upper two-thirds of their class are permitted to enter the school. Courses are given to prepare these girls to become efficient teachers along whatever lines they choose. Careful supervision of their work is given, and special attention is paid to correlation. The work in the kindergarten and in the primary grades was by far the best that the investigator saw in the state and better than in many similar schools in other states. One of the best features is the extension work; on Saturday mornings and on certain afternoons after school hours, classes in special subjects are held for teachers in the school system. These classes are popular and are having a great influence.

The Louisville High Schools

Separate high schools are established for boys and girls. The

girls' high school is an old building badly overcrowded, but some excellent work is being done here. Four regular courses are offered, the academic, the commercial, the home economics, and the two-year commercial course. An unusual situation has arisen with the introduction of the Smith-Hughes course in home economics; the principal found it impossible to interest a sufficient number of girls in taking this to make it worth while, so it has become the custom to advise girls who have failed in other courses to transfer to this department.

This is of course contrary to the purpose of the federal act, but it is a condition found in many of the larger cities. A course in home economics differs from one in stenography or salesmanship in that it does not train the student for a profession for which there is a large demand. Girls who must earn their own living as early as possible select commercial courses, while those not needing a vocational course choose the classical subjects. The opportunities for laboratory work are not sufficient, owing to the crowded condition, but the standards of the school are high.

The boys' high school is situated in a new building with a fine auditorium, good vocational equipment, and laboratories of all kinds. An interesting innovation in the course of study has recently been introduced; instead of graduating when they have secured a definite number of credits, pupils are now graduating after they have completed a definite course. As a result of this, electives are reduced to types, rather than individual subjects. Under this plan, a student selects a definite course and knows exactly from the beginning what subjects are included. Six courses are offered, the classical and scientific courses, which prepare for college; the general course, designed for pupils not going to college and not desiring to prepare for any special work; the four-year commercial course, which includes such subjects as salesmanship and advertising; the two-year commercial course; and the technical course, which fits a pupil for work in the manufacturing plants of a city.

Louisville Vocational School

This school was organized as an experiment five years ago. The Consumers' League realized that they had demanded great things of employers, without giving them any material advantages. The purpose of the school was to prepare students for work in the different vocations offered in the industrial life of Louisville. During the first year the Consumers' League paid the director of the shop, while the board of education paid for the academic teacher and the equipment. The work started in a cottage with only 32 pupils. Now there is a faculty of 13, six shop courses, a Smith-Hughes school of trades and industries and a continuation school.* The enrollment this year is 256.

*There are four additional teachers for continuation work.

The school is entirely supported by the board of education, with the exception of a small portion of the salary of the director, which is still paid by the Consumers' League. To enter the school a child must be over 14 years of age, and must have completed the sixth grade.

There is continuation work in sewing, stenography, typewriting, bookkeeping, English and arithmetic. Students who attend these classes are excused for two hours twice a week by the employers. This is voluntary on the part of the employers, but there is strong public opinion in favor of a law to demand attendance at continuation schools as a requirement for a work permit.

Another interesting experiment has been started the past year. This is a co-operative scheme between retail stores and the school. Two of the largest stores in Louisville allow their juvenile help to come to school; each sending the children one and one-half hours daily. These pupils take courses in pre-vocational salesmanship.

In the vocational school there is a bindery, where the books used in the city schools are rebound; also a print shop, which turns out blank forms for the board of education as well as work necessary for the school itself; and there is a fine electrical school. For the girls, in addition, there is a sewing department, and trade is solicited from interested persons in the city. There are no classes in cooking, because the profession of cooking is not on the same economic basis as the other trades, and there is not sufficient demand for trained workers in lunch rooms, cafeterias, etc., to warrant the establishment of such a class in a vocational school.

Effort is made to place all children who complete the two years' course, and each child is followed up at least once a year. There is also an attempt to place children on a half-day basis, one-half of the time being devoted to academic work in the schools.

Special Features in Louisville

Interesting opportunity classes have been established in the city schools. In these classes children are enrolled who are able to carry more advanced work than that of the grade to which they would naturally be assigned. The children who enter these two classes are omitted after psychological tests, indicating intelligence quotients ranging from 120.8 to 162.1. These tests are taken under the supervision of the director of the psychological laboratory.

Special schools have been established for retarded children. Pupils are sent to these classes after psychological tests have been given. In one class feeble-minded children are enrolled, the main purpose being to keep these children off the streets and away from their undesirable homes, until such time as they can be admitted to the institution for the feeble-minded. The other classes, however, have children who are slow in development, but who with proper instruc-

tion may be able to resume the work of a normal grade at a later date. In all these classes special attention is paid to handwork.

There are also open-air classes for children who are not strong or who have any tendency toward affection of lungs. These classes are held on the upper floor of a school building, and all windows are open at all times. A special lunch is provided and rest hours are required. At the end of the school year, a child is examined; if he is found well enough to take his place with normal children at the beginning of the next school term, a record to that effect is made and he is again examined in the fall to make certain that he is still up to the required standard.

The Compulsory Education Law in Louisville

Effort is made to enforce the compulsory attendance law in the city of Louisville. The one great difficulty encountered is the attendance of children in the parochial schools. There is very little co-operation between these schools and the attendance bureau. While the law places the enforcement in the hands of the city board of education, no attempt is made to follow up cases in parochial schools, except at the request of the schools themselves.

The chief truancy officer is very much interested in his work and is doing all in his power to enforce the law. He has several assistants, including one worker who devotes her time to the colored schools. No special qualifications are demanded of these officers. There is generally good co-operation with the judge of the juvenile court, and at all times the bureau of attendance works in harmony with the local charities. One interesting phase of this work is found in the classes for incorrigible boys, two of which have been established; one for younger boys and one for older, where children who have been special problems in their own school may be sent, and where habitual truants may go. These classes have been very successful. Both of the teachers told the investigator that they rarely had any trouble at all with their pupils, and that many of them had gone into the high school and made good.

Cities of the Second Class

All cities with a population between 20,000 and 100,000 are considered cities of the second class. There are four such cities in the state—Lexington, Paducah, Covington and Newport. Their school systems are all unique and cannot be classed together. In Lexington the University of Kentucky exerts a certain influence. Paducah is isolated from other cities and has developed its own system with little outside influence. In Covington and Newport there is a great lack of any school or civic spirit; the reason for this is obvious; they are both

situated just across the river from Cincinnati, and many of the inhabitants go daily to business in the larger city, having, therefore, little interest in the problems of their own city.

Compulsory Law Enforcement

There is one failing which all these cities have in common, and that is the poor enforcement of the compulsory attendance law. The best enforcement is found in Paducah, but there the lack of any co-operation on the part of the county judge makes it almost impossible for the truancy officer to accomplish what she desires. The following illustration serves to show the difficulties of trying to enforce the law in the city:

The truancy officer was anxious to secure the conviction of certain persons and decided to make a test case. It took her seven weeks to get this case to court, and in the end it was necessary for her to hire a personal lawyer who conducted a bluff trial. She first took four cases to the county judge and asked for a summons. She was then referred to the county attorney and went seven times before she was able to see him. Before any action was taken, the county attorney went out of office, and the cases had to be referred to his successor. They were then taken by him to the county judge who declared they did not come within his jurisdiction. The county attorney then made out warrants and took them to a magistrate, who said: "This is not my business at all. It belongs to the probation officer." However he finally agreed to do it. But no notification was made. The truant officer again went to the county attorney, who sent her to the magistrate, who said that the sheriff had returned the warrants, because it was not his business. The judge added: "I don't think I should do this. I live near those people."

In despair the truancy officer then hired a personal lawyer who found that the county judge refused to act, as did also the magistrate. He then went to another magistrate for a single summons to bring the families into the county court. This magistrate claimed: "It's all wrong for me to try this case. I believe in it. But it's not up to me." When the county judge refused to try the case, it was brought into this magistrate's court for a mock trial. The parents were threatened, but of course it was impossible to fine them, as there was no one in the court who had the authority to levy a fine.

With difficulties like this the truancy officer in Paducah finds it impossible successfully to enforce the compulsory attendance law. However, the school authorities should receive credit for a real attempt to keep a high standard in school attendance.

In Lexington there is a truancy officer for white children, and another for the colored children. The law, however, is not very well enforced. A study was made of 939 cases of absence reported by the white truancy officer; out of this number no reason at all was given for

341 absences, and the reason for 156 was totally inadequate. Many children of compulsory school age were found on the streets while the schools were in session.

In Covington the situation is very bad. Although there is a full-time truancy officer, there are everywhere signs of violation of the compulsory attendance law; 19 children of compulsory school age were found out of school without valid reason during one hour, while the investigator walked about four blocks and at no great distance from the office of the superintendent and truancy officer. The following are typical cases:

Boy of 11 years old, in the second grade. Hasn't been to school for two months. Was found looking at the posters in front of a moving picture house. Could not read or write.

Boy, 10, says he goes to second district school, but doesn't know what grade he is in. Doesn't know the teacher's name. Gave as an excuse, "Ma'am told me to stay home."

Girl, eight, has never gone to school, because she won't be vaccinated.

Boy, 11, can't write his own name. Claims he goes to second district school, but does not know grade or teacher. The boys with him claim he doesn't go to school at all.

Boy, 13, fifth grade. Gave as reason for absence from school, "I went over the river to buy pants."

In addition to these cases there were found many children of compulsory school age, during this same period, working either full-time or part-time without the necessary permits.

In Newport, a truancy officer is engaged who is paid \$60 per month for 10 months of the year. The main difficulty in this city is the lack of co-operation with the parochial schools. Also there is no support on the part of the juvenile judge.

Course of Study

The course of study usually found in these cities of the second class is similar to that prescribed by the state, with additional vocational work. In all these cities manual training and home economics are offered in the high school and also in the seventh and eighth grades. The work in the high school is elective. There are no normal courses given, but in all the high schools there are special classes in bookkeeping, typewriting, and stenography. No agriculture is taught. In Paducah there is a Smith-Hughes class in home economics.

Qualifications and Salaries of Teachers

Requirements for teaching in the schools of these cities vary somewhat, but, as a usual thing, a high school graduate with some normal training or a normal school graduate is demanded in the grades; and in

the high schools, a degree from an accredited college. While these teachers are superior to the average rural school teacher, there are still many who cling to antiquated methods of instruction and who are slaves to the textbook.

The following first grade geography lesson was observed:

Teacher: Now we will talk about rivers. What has a river?

Child: A river has a bank.

Teacher: Yes, children, a river has a left bank and a right bank. Repeat it after me.

Children: A river has a left bank and a right bank.

Teacher: Now, what else do you know about rivers? (Silence).

Teacher: Every river has a beginning and an ending. Repeat it after me.

Children: Every river has a beginning and an ending.

The recitation then continued on other questions in the textbook. No further explanation of rivers was given.

The salaries in these schools are very low. In Paducah salaries range from \$45 to \$65 per month. Girls and boys who have graduated from the commercial department have secured positions and are receiving more pay than the teachers they had the preceding year. In Newport the scale is somewhat higher; the minimum salary being \$50 and the maximum \$86.25. The following table is a summary of the salaries of all grade teachers in Newport for the past year:

TABLE III.

SALARIES OF GRADE TEACHERS, NEWPORT.

Elementary Teachers	Salary
8	\$50.00
4	52.50
1	57.50
1	60.00
2	65.00
1	70.00
2	75.00
6	77.65
62	86.25

As might be expected, all these cities are having difficulty in securing a sufficient number of teachers to meet their needs.

Special Features

In Covington there is a class for retarded children. The teacher in charge has had some experience in schools for the feeble-minded, and by temperament is peculiarly adapted for this difficult work. There are about 30 children in the class, chosen because of difficulties

they had in their class rooms. There is no medical examination and no psychological tests, except such as the teacher herself makes. Although there is little of the necessary equipment, a great deal of hand work is introduced into the curriculum. In fact, this part of the work is so emphasized that the children in the normal grades wish that they could be admitted into this special class, in order that they, too, might have a chance to do hand work. As all types of retarded children are enrolled, it is difficult for the teacher to accomplish much of permanent value. Until she can have the assistance of a medical inspector and some method of dividing her groups into those who are feeble-minded and those who are retarded because of slow development, she will have great difficulty. Another similar class has recently been organized.

Lexington has two opportunity classes. These are experiments, initiated by the principal of ward school. For the additional salary of \$10 a month a teacher devotes her afternoons to the children who need special assistance, and the work of her own grade is condensed into the morning hours. These classes give a great opportunity to children who have been retarded because of absence from school on account of illness or because of difficulties in any special subject. There are, too, children of a low grade of mentality. Again, there is no medical inspection and there are no psychological tests, except such as the teacher is able to give.

Newport has some exceptional vocational equipment. The superintendent of schools in this city is very much alive to the needs of his system and fortunately is in touch with the best modern movements. Even the schools held in old buildings appear attractive and the children seem interested. There is a marked difference between the condition in this city and in the sister city of Covington.

Cities of Third and Fourth Classes

For this investigation the following cities of the third class were visited: Bowling Green, Henderson, Hopkinsville, Frankfort, Ashland, Middlesboro, Owensboro; and cities of the fourth class: Central City, Elizabethtown, Mayfield, Paris, Pineville, Princeton, Richmond, Versailles, Harlan and Catlettsburg.

Conditions in cities of the third class are similar to those of the second class. In fact, in some cases they are better.

This, however, is not true of the cities of the fourth class, in which as a general thing the schools are not much better than small town schools.

Compulsory Attendance

The enforcement of the law is as lax in these cities as in other parts of the state. In certain cities truancy officers have been appointed, but in all cases they are paid inadequate salaries and are not chosen because of any particular qualifications for the work. One superintendent stated that his board of education paid \$60 a month for a truancy officer and that they had chosen "a pretty good fellow," but admitted that this same officer could not have earned \$60 a month at any other occupation. These officers are further hampered by the lack of public sentiment in favor of a rigid enforcement of the law.

In Owensboro the attendance law is well enforced. In addition to the regular truancy officer, a woman has been appointed by the board of education to do special work on attendance cases. There is also a probation officer, a woman in this city; and there is splendid co-operation between these two officers. The judge of the juvenile court is ready to help in all necessary prosecutions, and the Associated Charities assist wherever the reason for non-attendance is financial difficulties in the home. The investigator visited a Saturday morning session of the juvenile court, where six cases of non-attendance were tried. In every case an intelligent verdict was given. In this same city the census is taken by the principals of the various ward buildings. The first year this method was introduced a great many names of children were secured that had never appeared upon the records. The census is taken yearly.

Middlesboro has a new city superintendent. Formerly there was no enforcement of the law, but this superintendent is interested and anxious to enforce both the education and the child labor laws. He has, therefore, constituted himself the truancy officer and has enlisted the co-operation of the police court judge. The chief of police has one special man who attends to all school complaints and is sent out after the children when the superintendent requests it. The superintendent has found the parents indifferent and even hostile to the law; many of them did not know it existed. From January 1, 1918, to May 1, 1919, seven cases of non-attendance appear on the order book of the county court; of these three were committed to the House of Refuge, and in the other four cases the parents were fined one dollar and costs.

In Paris a woman has been appointed truancy officer by the board of education, and follows up cases for both white and colored children. The superintendent reports that there is a high per cent of attendance in the schools of the city; he is, however, opposed to having a truancy officer, as he believes that all follow-up work should be done by individual teachers.

Princeton and Mayfield do practically nothing to compel attendance in their schools. When these cities were visited a great many children were found on the streets while the schools were in session, and many of them had not been attending school any part of the term. In both cities the only effort to secure attendance is made by the teachers.

One superintendent said: "We are too crowded to enforce the law. We're glad enough to have them stay away."

Central City makes no effort to compel its children to attend school. During one-half hour in two city blocks eight children were found who had not attended school that day, although the schools were in session at the time. The cases follow:

1. Boy, aged 12, 5th grade. Had not been in school for two months.
2. Boy, aged 14, 4th grade. Had not been in school for three months.
3. Boy, aged 12, 3rd grade. Had not been in school for four months.
4. Boy, aged 15, 3rd grade. Had not been in school for a year and a half. The clerk in the drug store informed the investigator that he was a notoriously bad boy, largely because he had been allowed to run the streets instead of being forced to attend school.
5. Boy, 12 years, 4th grade. Had not been in school for three months.
6. Boy, 11 years, 2nd grade. Had not been in school for five weeks.
7. Girl, 13 years, 4th grade. Had not attended school for four months.
8. Boy, 14 years, 5th grade. Had not been in school for three weeks.

These illustrations clearly show that there is no definite policy for enforcing the compulsory attendance law. Unfortunately the above cases are typical of most of the cities of these classes.

Course of Study

In the cities of the third class, in addition to the prescribed subjects, a considerable amount of time is devoted to vocational work. In both Owensboro and Henderson fine work is done in home economics. Good vocational work is also found in Hopkinsville, Ashland, and Bowling Green. However, it is largely confined to the high school, little opportunity being given to the grade student to take up home economics or manual training. No agriculture is taught, because of the lack of any demand.

The smaller cities have courses of study based almost exclusively upon the state course. Very little vocational work is offered, and where it is given, there is inadequate equipment. In these smaller cities there might easily be introduced work in vocational agriculture, as the children attending these schools live in small communities where agriculture is the chief industry.

Qualifications and Salaries of Teachers

The cities of the third class require that their teachers shall have had some normal training, and that the high school teachers shall

have degrees from accredited colleges. The standard in fourth class cities is not so high. Very often teachers are found who have had only a few terms in normal school, or who have done two years' high school work and then gone directly into the profession of teaching. Many of the teachers found in these cities are excellent, but, again, there is but little knowledge of modern educational methods. Correlation is often an unknown term. A teacher depends on the textbook and has little resource herself for supplementary work.

Salaries are, of course, low. In Owensboro there are three classes of certificates. Teachers in Class C receive from \$405 to \$477 per year; in Class B from \$540 to \$612 per year; and in Class A from \$639 to \$675 a year.

In Hopkinsville the average annual salary is \$540. The superintendent made an investigation in that city and found that negro women who were stripping tobacco in a factory were earning more money per day than the grade teachers. This, of course, is based on working days in the year, not school days. In this city the only way for a teacher to secure more pay is to get a position somewhere else and threaten to leave. As a result there is constant change of personnel.

Henderson pays its grade teachers on the average of \$55 or \$56 per month. In this same city policemen are earning \$80 a month, while the firemen receive \$84.50.

The minimum salary in Mayfield is \$45; the maximum \$55. This year there was a teachers' strike; and all high school teachers, except two, left.

The highest salary paid to a grade teacher in another town is \$550. The superintendent said: "We didn't want to, but we had to give her that, because she wouldn't teach for less."

Fortunately, there are everywhere signs that salaries will be raised in the coming year. Until the increase is made it is going to be impossible to secure even inefficient teachers, for the women in Kentucky are beginning to awaken to the realization that they do not have to teach to earn their living, as there are other forms of labor now open to them.

Cities of Fifth and Sixth Classes

The following cities were visited for this survey: Beattyville, Berea, Drakesboro, Grand Rivers, Greenville, Hawesville, Irvine, Louisa, Tompkinsville. Most of their schools are not unlike consolidated schools in rural districts. The buildings usually contain four or five rooms, and are often in bad repair. Most of them are overcrowded. Little attempt is made to beautify the buildings or the grounds, and they present a sordid, drab appearance. The compulsory attendance law is rarely enforced.

In Drakesboro no boys over 16 were found in the school at all, and very few between the ages of 12 and 16. The enrollment in the high school was five; the average attendance three. In the grades, out of a census of 271 and of an enrollment of 238, there is an average attendance of 130. No effort of any kind is made to bring the absent children to school; the principal says: "If all the children who should come to school, came, we couldn't seat them. We run two primary sessions as it is."

Greenville has fair attendance in her schools; but this is largely because there is a certain amount of public opinion in favor of it. No machinery is provided for enforcement, and several violations were discovered one morning.

No attempt is made in Tompkinsville to secure a high average of attendance, and very little interest in the schools is shown even by the school officials. The general attitude is that if the children come they will be taken care of; but if they don't want to come, that is their own affair.

In these cities the state course of study, with very few variations, is the one usually found. The high school offers one course, the academic, which prepares for college, but as practically none of the children go to college, this is the most useless course they could offer. No vocational work is offered, either in the grades or in the high school.

Teachers' salaries are low, as also are the qualifications demanded. In the grades, teachers are found with only a common school education, and with not more than two terms at a state normal. Many are graduates of high schools that give two years' work only. The salaries range from \$40 to \$55 per month for the grades; and \$60 to \$65 for the high school. In one of these schools a teacher has been earning \$40 a month for a period of five years. Naturally, the quality of instruction is consistently poor.

NEGRO SCHOOLS IN KENTUCKY

According to the law, separate schools must be provided for children of the colored race, and offer the same opportunities as schools for white children. This law is enforced insofar as the establishment of separate schools is concerned, but in many respects there is great inequality between the opportunities given to white children and those given to negroes. Most of the buildings used by the colored race are old and in very bad condition. It is quite evident that funds for building purposes are not equitably distributed. There is also a decided difference in the equipment, except for home economics; in many cities there is better opportunity for the colored children to learn cooking than for the white children and the reason is obvious—it is generally believed that the colored children need this instruction as they go into domestic service.

Colored High Schools

There are only 29 high schools for negroes in the state, and this, of course, means that in many counties no provision is made for instruction beyond that of the grade school. The law requires that a county high school or its equivalent be provided for every county. In some counties a colored teacher is appointed in the grade school to do high school work, but no high school students are enrolled. No effort is made to interest colored students in going on with their work after they have completed the eighth grade. An exception to these statements is found in Louisville, and also in one or two other large cities, where good schools for colored children are provided. They are true, however, of cities of the fourth, fifth and sixth classes.

Course of Study

The course of study usually offered is that prescribed by the state, and in addition industrial work is sometimes given.

At Little Rock school, in Bourbon County, exceptionally good vocational work is done. Here money is secured not only from the state, but from the John Fox Slater Fund for colored rural schools. This fund provides \$600. Five hundred dollars to be used for teachers and \$100 for equipment. In addition, one-third of the principal's salary is paid from the Smith-Hughes fund, because the principal gives two-thirds of his time to the teaching of agriculture.

The following lines of activity are carried on:

- (1) Practical agriculture, according to the Smith-Hughes standard.
- (2) Home economics taught by a graduate of the Hampton Institute, which includes some fine work in canning.
- (3) Manual training.
- (4) A broom factory, boys in the 7th and 8th grades making brooms which are sold, one-third of the profit covering necessary expenses.
- (5) A blacksmith shop is to be opened this year.

All the teachers in this school are earnest workers and very much interested in the problems of their race. Their salaries are very low; the principal receives \$75 a month, the grade teachers \$50 and \$55.

In the high schools the only course offered in the smaller cities and in the country is the regular academic college preparatory course. In the cities, this is somewhat modified by the introduction of vocational work.

Qualifications and Salaries of Teachers

Most of the teachers found in the colored schools had received their training either in the Frankfort Normal School or in institutions for colored students in other states. A higher standard is demanded

of applicants for positions in colored rural schools than in white rural schools. The teachers are often intelligently interested in school problems and eager to give as much chance as possible to the colored children under their care, feeling deeply the inequality of opportunity and realizing that they are greatly handicapped because of overcrowded buildings and poor equipment.

The salaries of teachers in the colored schools are even lower than of white teachers in schools of corresponding grade. In the rural districts salaries range from \$35 to \$55, and in the smaller cities rarely go over \$60 except when the teacher is acting principal of the school. Many men teach and report that they have a hard time supporting their families on the salaries they receive. Most of them work at some other occupation during the months when school is not in session, or after school hours. Payments are very irregular, which adds to the difficulties they are forced to meet.

Separate Colored School Systems

In three cities, Mayfield, Hopkinsville and Princeton, an unusual situation has arisen. In each there is a separate board of education for the colored schools, and a separate fund consisting of money raised from the taxation of negro property for their support. Of course, this means that schools so supported are of poorer grade than the white schools, as all valuable property is owned by white persons. A test case was made in Mayfield, where the negroes sued for their share of corporation taxes, the court handing down the opinion that the colored school had a right to a share in all corporation taxes, even though it was a white corporation.

In Hopkinsville the colored board of education is demanding five years' back pay, because of this decision. There the white schools are run under a special charter issued in 1872, while the colored schools are run under the laws governing a city of the third class. There is constant friction between the white and colored boards, but as the colored population exceeds the white school population, the white board of education refuses to do away with the separate system, on the ground that the colored voters would otherwise dictate the policies of all the schools.

Under this separate system, Princeton last year received \$300 on taxable negro property, including the poll tax, and \$500 from corporation taxes. This, plus the \$5.65 per capita granted by the state, is all the money available for conducting the colored schools.

Frankfort Normal School .

This school trains men and women to teach in the colored schools of the state. Courses similar to those given in the white normal school

are offered, but as a whole the school is not very much alive and is not fulfilling its function.

PAROCHIAL SCHOOLS

Parochial schools are not widely distributed but are concentrated largely in Louisville, Covington and Newport. In the two last-named cities they serve about 60 per cent. of the school population. As a rule, the parochial schools wish to keep the enforcement of the compulsory attendance law so far as it affects their pupils in their own hands and are opposed to any interference on the part of the city school organization. Consequently the superintendent and truancy officers dislike to take steps in the matter and rarely prosecute any case where the child is attending a church school. A greater number of children leave school in the sixth grade or as soon as they reach the fourteenth year than is the case in the city schools; and little effort is made to keep them longer in the system.

The teachers in the parochial schools are all sisters in some Catholic order, and are not required to hold state, county or city certificates. The state has no way of ascertaining what quality of instruction is given to the children in attendance. It is quite evident that some supervision of this work should be undertaken by the state.

The course of study is similar to that prescribed by the state, but a considerable portion of time is devoted to religious instruction. Very little attention is paid to industrial work.

NORMAL SCHOOLS

Kentucky has established two normal schools, one in the western section and one in the eastern. The state appropriates money for their support, tuition is free to all students, and board is furnished at a reasonable rate.

One of their greatest weaknesses is the low standards required for admission. A great many of the students entering have finished only the eighth grade, and as a result the greater part of the work offered is of high school grade. This not only lowers the standard of work, but indirectly affects the whole high school situation. In many counties when girls who would naturally attend high school find that they can enter the normal school without this additional training they go directly there, thinking that they can more quickly prepare for teaching in this way. Consequently there is less demand for high school work in the counties and the high schools organized are necessarily of a lower standard.

A normal school should be distinctly professional. When a great part of the time has to be devoted to drilling students in the

elementary and secondary branches, less attention can be given to the science of teaching, and to the essential work of observation and practice teaching. Normal school work properly begins after graduation from a four-year high school, but as organized at present these schools are themselves more nearly high schools, offering excellent courses in normal training.

The course of study is similar to that provided for secondary schools, only greatly enriched by the practical courses in education and by vocational subjects. The work is divided according to the needs and ambitions of the individual students. Special courses are offered to those desiring to become rural, grade, primary and high school teachers. Practice work is provided in model schools under the direction of the trustees and the faculty of the institutions.

Some effort is made to interest applicants for teachers' certificates in rural problems, but with little success; interesting courses in rural sociology and community work are more often elected as supplementary work than as direct preparation for teaching in rural districts. The reason is all too evident; no girl with any ambition is eager to prepare herself for a profession which promises only an inadequate salary, unattractive environment and no future. Those who do intend to devote themselves to this branch of teaching do so in a missionary spirit. An instructor in one of the state normal schools told the investigator that in the last 12 years he had known of but three girls who adopted this field as a life work; of these one had since taken a government position, one had married, and the third had had nervous prostration and was now a clerk in a drug store at a higher salary than she had ever received while teaching.

Excellent vocational work in home economics is given in these schools. With the introduction of Smith-Hughes classes in the secondary schools of the state, a new situation has arisen. The federal government requires that all teachers in these schools shall have the degree of A. B. or its equivalent as well as a certain specified amount of training in the vocational subjects.

The normal schools meet this latter requirement but do not pretend to offer the academic work necessary for a degree. Therefore girls electing the home economics professional course cannot secure positions in schools meeting the federal requirements. The result will be undoubtedly that few students will be enrolled in this branch.

An important phase of the work is the practice teaching. At the Eastern Kentucky Normal there is a model high school, a model grade school and a rural school. In the school for the western counties there is a model school offering work in the eight grades. The pupils in these schools are residents of the city in which the normal school is located, with the exception of those in the model rural school who are brought in daily from the surrounding country. Critic teachers are

in charge, and opportunity for observation and practice teaching is given to the students. As a usual thing this practice teaching comes in the senior year when the student devotes an hour daily to it, and while good results are secured, it would seem wiser to concentrate it and have the student give four days a week to it for a limited period of time.

The model rural school at the Eastern Kentucky Normal is an exceedingly interesting experiment. A good teacher is in charge, a woman who had been very successful in her county school teaching. There are two great weaknesses, however. In the first place, it is a rural school situated in a city; children come in from the country, and the natural relationship between the school and the community is therefore quite impossible. In the second place, only senior students are allowed to practice, and they are those who upon graduation go into city schools. Thus there is little advantage gained either by the students or the rural school system. If this school could be established in the country, great good would result.

More extension work should be done by the normal schools. As has already been suggested elsewhere in this report, the appointment and support of proper supervisors in each county would be a legitimate and valuable undertaking.

Summer model schools and traveling schools for the teaching of special subjects might well be added to the normal school program.

RECOMMENDATIONS

Administration: Supervision: Laws

1. The creation of a State Board of Education of seven members appointed by the Governor, each for a term of six years, two members, including the normal school principal, retiring every year, to consist of the following:

- (a) President of the State University.
- (b) Three members recommended by the Kentucky Educational Association, one of them a city superintendent and one a county superintendent.
- (c) Two members appointed by the Governor.
- (d) One of the principals of the two state normal schools, the two principals alternating annually.

The board should direct the educational policies of the school system of the state, and assume the duties now assigned to the State Text Book Commission and the State Board of Examiners.

2. The superintendent of public instruction should be appointed by the State Board of Education to serve for a period of four years

and should be eligible for reappointment. There should be no political or territorial limits set in choosing a man for this office. The salary should be not less than \$5,000 per year.

3. The state superintendent of public instruction should be provided with a sufficient number of assistants to make possible adequate supervision of all the schools of the state.

4. The county superintendent should be appointed by the county board of education to serve for a period of four years, and should be eligible for reappointment. His powers should be increased so as to include the recommendation for appointment of all teachers in the county schools.

5. The state constitution should be amended so as to provide for the distribution of state school funds upon the basis of local effort and need instead of upon a per capita basis as at present. What is needed more than anything else in Kentucky's school system is a stimulus to local effort, and the method of apportioning the state funds can best be made to serve as this stimulus. It would be far better, for example, to grant the aid according to the aggregate daily attendance and number of teachers employed than according to the mere number of children in a district regardless of whether or not these children even enroll, much less attend.

6. The state school funds should be held sacred to educational purposes.

7. At least one supervisor should be appointed by the county board to give full time to the work of supervision and to act as assistant to the county superintendent.

8. The county board of public welfare (if such a board be created) should select a joint probation and truancy officer who should:

- (a) Supervise the taking of the school census.
- (b) Issue work permits.
- (c) Have charge of all probation work.
- (d) Enforce school attendance.

Women should be eligible to this office.

9. The compulsory attendance law should be the same for both city and the county schools. It should be amended so as to read as follows:

Every parent, guardian, or other person having the custody, control or supervision of any child or children over the age of eight and under the age of 18 years shall cause such child to be enrolled in and to attend some public, private or parochial school regularly each school year for a full term or period of said school, provided that such private or parochial term shall not be for a shorter period during each year than the term of the public schools in the place of the child's residence . . . provided further, That this act shall not apply to any child between 14 and 18 years of age to whom an employment cer-

tificate may have been issued in accordance with the provisions of the child labor law, and who is lawfully and steadily employed.

10. The enforcement of the compulsory attendance law should be placed in the hands of the Bureau of Attendance in the cities where such a bureau is established and in all other cities and in the rural communities in the hands of the truancy officer.

11. The State Board of Education should be given power to supervise the work of county and city truancy officers and to remove such officers from office upon proof of failure to enforce the compulsory attendance law.

12. The names of all deaf, blind, seriously crippled, incurably diseased, and feeble-minded children should be included in the school census and reported by the county or city truancy officer to the state board of education. The truancy officer should be held responsible for following up these cases to make certain of their satisfactory disposition.

11. All teachers' certificates should be issued by the State Board of Education.

12. Free textbooks should be provided for all children in all public schools.

Rural Schools

1. The minimum educational qualification required of a teacher in the rural schools should be the completion of a normal school course. At the present time there are not enough teachers available with such qualifications, and this standard would have to be gradually approached. Temporary certificates might be issued to teachers who have completed one year of normal work, such certificate to be valid for a period of two years, and thereafter teachers should have completed the two-year course.

2. The minimum salary of a rural school teacher should be \$600 per year.

3. Wherever possible the immediate consolidation of all district schools is recommended. Free transportation should be provided for all pupils living two miles or more from schools.

4. A free high school education should be made available for every child in the country communities. Wherever necessary, transportation expenses should be paid.

5. The rural school term should not be less than eight months. It should be continuous and begin not earlier in the year than September.

6. As rapidly as possible, Smith-Hughes classes in agriculture and home economics should be established in the county high schools.

7. Vocational work should be introduced into the rural schools. Agriculture should be taught by laboratory methods.

8. Teacherages should be erected.

City Schools

1. A bureau of attendance should be organized in every city of 5,000 or more inhabitants, with a truancy officer who should receive a salary sufficiently large to attract a competent man. Definite standards based on educational experience and peculiar fitness for this kind of work should be established. The duties of this bureau would be:

1. To enforce the compulsory attendance law.
2. To issue work permits.
3. To supervise the taking of the census.
4. To maintain some form of placement bureau where the children leaving school can secure positions and from which follow-up work of all children in industry can be administered.

In cities with a population of 20,000 or over, more than one officer will be necessary. In cities under 5,000 this work may be done by one person giving part time.

2. In all cities where children are employed in industry, continuation classes should be established. Children between the ages of 14 and 18 who are regularly employed, should be required to attend not less than five hours a week between the hours of 8 a. m. and 6 p. m. during the full term the schools are in session, but not on Saturday afternoons.

3. Special classes for retarded children under the direction of teachers with psychological training, should be established in all cities with a population of 10,000 or over. In all other cities one teacher with special training should devote part-time to this work. Children should undergo a careful medical as well as mental examination before admission to such classes. These classes should be carefully graded.

4. Opportunity classes for the brighter children should be established in all cities.

5. The minimum salary paid to city teachers should be \$600 per year. Some arrangement should be made for regular increase in salary for a certain period of time on proof of satisfactory work. Teachers should be paid according to their education, experience and general fitness. Thus a third grade teacher could receive as high a salary as a high school teacher if as well prepared.

6. Vocational work should be introduced as early as the fifth grade and some form of hand work should be in every grade. The course of study should be arranged to allow more correlation of subjects. Community civics should be everywhere taught.

Negro Schools

1. All opportunities for education offered to white children should be given to the colored children. This means equally good buildings and equipment.
2. The curriculum should be changed so as to offer a greater amount of vocational work. Definite trade training should be included. The Latin college preparatory course in the high school should not be the only one offered.
3. Special classes for retarded children should be established in cities.
4. The compulsory education law should be everywhere as strictly enforced as it is for the white children.
5. Separate boards of education for colored schools should be abolished.
6. All school funds should be proportionally distributed.

Parochial Schools

1. All teachers in parochial and private schools having enrolled children of compulsory school attendance age should be required to have certificates issued by the State Board of Education.
2. Local truancy officers should be held accountable for enforcement of the compulsory attendance law in these schools.

Normal Schools

1. As soon as possible all work of high school grade should be removed from the normal schools and the time given to preparing the graduates of accredited high schools for the profession of teaching. This cannot be done in one year. It is therefore suggested that for the first two years the school accept students who have completed two years of high school work; for the two years following that it accept students with three years of secondary training; and after that insist upon graduation.
2. The system of practice teaching should be changed from one hour a day to four days a week for a period of at least eight weeks. Wherever possible, rural school practice teaching should take place in model schools established in the country and students should live in or near the community during this practice period.
3. Greater emphasis should be placed on the training of rural school teachers.
4. The extension work of these schools should be greatly increased. As has been suggested in the text of this report, the providing of supervisors for the counties might well be undertaken by these schools. Travelling schools on special subjects might be organized.

RECREATION

RAYMOND G. FULLER

Recreational conditions and possibilities constitute one of the important problems of any community, however large or small the community may be—and it may be as large as the state or the nation. The value to individuals and to society from the provision of opportunities and facilities of recreation, and from the safeguarding of recreation against personal mistake and commercial exploitation, was recognized and utilized in America during the recent war. The word "recreation" and recreation itself attained a new and widespread popularity. But it is possible to conceive of recreation in narrow terms, as if it consisted almost wholly in physical activity or in activity characteristic of the playground and athletic field; the agencies charged by the federal government with providing and safeguarding recreation for the American soldier regarded it as having a far broader range of meaning. Theatres were established in the camps; libraries were formed and reading rooms were opened. Organization of local communities was promoted as an aid to the provision and control of recreation. Social provision and control of recreation were striking features of the wartime achievement. What in general was done for the American soldier in time of war should be and can be done for both sexes and all ages in time of peace; to do it wisely and well for the children, youth and adults of Kentucky is the task and duty of Kentucky as a large community and of the smaller communities within the state.

The present report will deal in Section I with "Play and Playgrounds"; in Section II, with the movies and other "Commercial Amusements"; in Section III, with "Recreational Resources," in the discussion of which incidental mention will be made of forms of recreation in which sociable meeting and mixing are the especially noteworthy marks of their recreational character. Thus the arrangement of material will conform roughly to the classic division of the forms of recreation into three main classes: "Active," "passive," and "social." But these adjectives are neither accurate nor complete descriptions of the classes to which they generally apply. In passive recreation, interest must be active or it is not recreation. Mental and social elements are involved in the pleasure and profit of those forms in which physical activity is conspicuous. In Section IV of the report brief reference will be made to organization of the local community. The community approach to the recreational problem on its theoretical side is no more important than the community method of attacking

the problem on its practical side. The same section will contain suggestions for a state recreational program, so far as a program on a state basis seems desirable and feasible.

The term "recreation" will be used in a comprehensive way, without ignoring but without strictly adhering to its etymology. For the sake of convenience it will be so employed as to include the play of children, notwithstanding certain distinctions that might be drawn between children's play and the recreation of adults. With children, play is life's most serious business; with adults, recreation is usually a relief or escape from serious affairs or from workaday routine. If recreation be defined in terms of the use of leisure time, it might be objected that, in the adult sense, children have no leisure; however, they have spare time, or ought to have it, and for present purposes of defining recreation that amounts to the same thing. Further, if the re-creative (or recuperative) value of recreation among adults depends largely on the elements of diversion and relaxation, then something apropos might be said about the play of school children during recess periods or the play of farm children who work much or most of the time when they are not at school. And be it not forgotten that the playful impulses and tendencies of childhood are never quite outgrown, and that even the labor of grown-ups, at its best, is accompanied by all the interest and exhilaration and satisfaction of children's play, ceasing to be mere labor and becoming an expression of the joyousness of life.

Primarily the report is concerned with the recreation of children, rather than that of adults, but for obvious reasons the subject of adult recreation cannot be excluded from a report on children's recreation. The places of recreation are often the same for both children and adults; the agencies providing recreation may be the same; the instrumentalities of regulation and control may be the same. In local and larger communities the amount and wholesomeness of the recreational life of children varies directly with the amount and wholesomeness of the recreational life of adults; recreation for children, quantitatively, depends very largely on the general community attitude toward recreation, and this attitude depends, in considerable part, on the amount of recreation enjoyed by the adults of the community when they were children. Beside that social law may be placed this social principle: it is good for adults and children, now and then, to play together—good for the community, comprising young and old, to play together, thus helping discover the community to itself; the true community transcends not only creed and class and sex, but differences in age.

It is not the aim in this report to show that Kentucky is worse off, or better off, recreationally, than other states; much less, to prove

statistically that there is little or no recreation within its boundaries. Certain forms and facilities of recreation may be uncommon, but as everywhere else here is a good deal of recreation invisible to the naked eye or at least not measurable with a yardstick. For recreation is not wholly a matter of externals or of material equipment and apparatus. The paucity of public playground all through Kentucky and the rarity of social gatherings in some parts of the state are, indeed, signs of recreational poverty, but these signs are objective, whereas recreation is subjective. Cracking jokes may be one man's recreation; cutting coupons, another man's. Not everybody goes a-fishing, or cares to, and the same is true of golf, yet both fishing and golfing are recreational. And when it comes to fishing, there is a vast difference between a minimum and a maximum of apparatus, but not so much in the size of the catch and maybe none at all in the day's enjoyment. The village post-office is often a recreational and social center—a place of sociability and an informal community forum. At the country railway station people gather at train-time, greeting one another by their first names, exchanging the news and gossip of all the roads that lead to town, watching the larger world come and go. In Eastern Kentucky people ride on "the cars" for recreation—down the line on one train, back again on the next. Though people in Louisville may occasionally go trolley-riding with the same purpose, rural recreation and urban are two different matters, and rural recreation cannot be weighed in urban scales. "Tater Day" in Western Kentucky is as valid, recreationally, as Louisville's park and playground system. Family visiting in rural Central and Eastern Kentucky is as valid as theatre-going in the cities. But while recreation is a relative term, and absence of recreation is not to be hastily predicated, it should not escape attention that the desire and quest for recreation is a mighty fact in Kentucky, as elsewhere, and that often it remains unsatisfied or only partially satisfied, and frequently leads to acceptance of inferior substitutes for the best recreation. A larger, freer, truer recreational life for the people of Kentucky—more and better means of recreational self-expression—is their own unspoken desire and unorganized quest. The play life of the children needs more safeguarding and needs enrichment.

Related Problems

The problem of recreation is related in numerous and significant ways to other social and political problems. A few of its relations to some of the child-welfare problems which are the subject of this volume will be briefly indicated.

Child Labor

Society's permission of the employment of children as wage-workers is an offense against the very nature of childhood. A normal childhood implies an abundance of play, and a normal childhood is absolutely essential to the attainment of a fully efficient, well-rounded adulthood. By depriving children of their rightful play life, child labor robs its grown-up victims of energy, ambition, personality, even the capacity for social intercourse and for co-operation. But child labor is sometimes defended as better for the child than idleness, and in many Kentucky communities parents see nothing for their children to do except go to work or loaf on the streets. Now a child is seldom quite idle, he usually can find something to do, and in Muhlenberg County boys who are not at work or at school (and school claims but a small part of their time during the year) resort to the dubious pastime of "jumping" coal trains. The tracks are their playground, the trains are their apparatus. One father took his young son into the mines and put him to work in order to prevent him from "jumping" trains. A mine inspector expressed approval of the action and its motive. The attempted justification of child labor on the ground that it is better for the child to be at work than running at large or playing in ways physically or morally dangerous is common in Kentucky and deserves consideration, but the community which sees and furnishes no choice but the choice between the two evils of condemning children to child labor and allowing them to go to the devil through idleness or improper play is missing a great opportunity and neglecting its duty. There is a way out; and that is the road of recreation, recreation safe and wholesome and sufficient, from Sunday School picnics to public supervised playgrounds. Let there be no compromise with the labor of children.

The objection is to child labor, not children's work. Work that is not too severe, too prolonged, too monotonous; work that does not deprive children of opportunity to play, that does not keep them out of school or interfere with their progress in school, work that is developmental and educative, is all right; child labor is all wrong. Children have work instincts as well as play instincts, and these should be allowed expression, particularly in the home and in the school. To a large extent the work instincts and the play instincts are mutually inclusive. Creativeness figures in both work and play. The doctrine of all work and no play and the doctrine of all play and no work are equally pernicious. But the wage-earning function of the family of the community does not belong to children. The business of children is to be children and to grow up into healthy, intelligent, moral and efficient men and women. Society should not permit children to be

penalized for the poverty of their parents, but in some way should make it possible for poor children to go to school and thus be helped out of poverty. A normal childhood—in terms of health, schooling and play—should be guaranteed to all the children; this is democracy.

Juvenile Delinquency

The "bad boy" is very largely the product of play energies gone wrong—either through their restriction or their lack of guidance. His delinquencies are often due to his effort to make full and interesting use of his spare time. If "jumping" coal trains in Muhlenberg County be regarded as a mild form of delinquency—and children have been put in jail for less—we have an illustration of what happens when better ways of spending spare time are not available—better ways from the "bad boy's" own standpoint! Recently a boy whose serious offense had several connections with the recreational problem of Louisville was brought into the juvenile court in that city. He was charged with stealing money from his parents—between \$400 and \$500. Of this sum, the larger portion was squandered at a street carnival, with its tempting array of gambling devices. He won 12 pounds of bacon and 11 chickens, which he dutifully gave to his mother, saying he was working in the stock yards; but he lost oftener than he won. He bet on the Derby Day races and lost. He lost about \$100 shooting craps. Pool rooms got some of his money. The trouble with this boy—part of the trouble, at any rate—was that recreational work in Louisville had not reached him and protected him. The boy was not so bad as his play life. It has been said that a social settlement or a playground is as good as half a dozen policemen. Better, far better, because the settlement and the playground yield positive and constructive values, while the policeman represents only negation and prohibition. Syrian women come to the director of Neighborhood House in Louisville and say, "Please take my boy and make him good." If immigrant Syrian women know so well the effect of good recreation on "bad" boys, shall not the whole people come in due time to an appreciation adequate enough for adequate action?

A word about adult delinquency and the saloon. The saloon has gone, and good riddance; but though iniquitous it was a center of sociability, open day and night, and with the welcome sign always out. Men went there to get drink, sometimes to get drunk, but they went also because they were sociable, clubbable men, and because they found fellowship and relaxation. The relaxation, alas, was in part alcoholically induced. It may be a perversion of language to speak of "substitutes" for the saloon, but social centers better than the saloon meet a real need of human nature not less than of civic advancement.

Public Health

Public provision of recreation is a public-health measure. This is seen most clearly in reference to children's play, which strengthens and develops the bodily tissues, increases the vaso-motor reactions, stimulates the vital processes—digestion, respiration, circulation—to healthy activity, and rids the body of accumulated toxins. Active play fortifies against disease, giving power of resistance. If properly directed, the play of growing children will, more than any other agency, prepare the child for the struggle against tuberculosis. Although the greatest prevalence of tuberculosis is during adult life the time for preparation against the disease is during childhood; and it is during childhood that the infection is usually received. Development of the appropriate organs is a splendid asset for the individual both in childhood and in later life; and while active play may not be advisable for the weakly, sub-normal group, it helps prevent children from becoming weakly and sub-normal. Again, properly directed play is not to be despised as an aid in the fight against social immorality and its consequent diseases. Physically, play conduces to sex normality. Mentally, through wise supervision, it is potent in rationalizing the attitude of the sexes toward each other; it conduces to sex sanity. Hookworm, in the medical sense, play and recreation will not cure, but will go far toward conquering the disease of laziness by promoting in early life bodily vitality and good health and establishing habits of physical activity. Games and the play motive have recognition in the fields of school hygiene and physical education. To some extent in the schools of Louisville, Lexington, Covington and a few other Kentucky cities, the work in physical education involves the employment of organized play, both indoors and outdoors, as a method.

The selective draft discovered a host of men physically unfit for military service, but equally startling was the discovery of that other host of the mentally unhealthy—men handicapped by psycho-pathological ailments and deficiencies of various sorts. Throughout the land people so afflicted, both men and women, form a considerable part of the population and a heavy drag on social efficiency and economic productiveness, though they and their neighbors may often be quite unaware of anything wrong. Edmund C. Sanford, a distinguished student of the mind, writes in a letter that in his opinion a normal childhood would have reduced the percentage of neurasthenic and neurotic conditions uncovered by the draft and that "in such normal childhood properly developed play is an important point." Dr. Pearce Bailey, Chief of the Section of Neurology and Psychiatry, Surgeon-General's Office, writing of functional nervous disease and appropriate therapeutics, says, "Non-medical agencies, such as boys' clubs, boy and

girl scouts, settlement agencies, playgrounds, promise most in the line of prevention."

The Schools

"Education," said Plato, "should begin with the right direction of children's sports." Not only begin, but continue, say modern thinkers, who assert that play, and especially supervised play, is an important concern of the schools through all the grades, even into the college and university. So positively educative are the values of play that the teaching of games for playground and home-yard is being widely urged as a definite part of the school curriculum. Indeed, there is utterance in favor of employing play motives and methods rather extensively in teaching such subjects of the curriculum as arithmetic and geography. Consideration of play entered but recently into the making of American schools, as regards laws, administrative systems, physical equipment, curricula, training of teachers. The subject of play and playgrounds in connection with the schools is receiving some attention in Kentucky, very earnest attention in a few cities and counties, and good results are already following the increase of public interest. The question of the "wider use of the school plant"—particularly its use as a social center for adults as well as children—is likewise engaging fruitful attention. The question whether school funds should be expended in the maintenance of social-center activities still remains, in Kentucky, purely academic. Under the present method of raising school funds, most boards find themselves without money enough, apparently, and so they say, for playgrounds or play apparatus or play supervision; hence other expenditure for recreational purposes is impossible. Recreation in connection with the schools involves not only the school financial problem, but also the problem of school administration. The State Department of Education must be divorced from politics and reorganized before it can be expected to possess or make effective a real recreational policy and program for the schools of Kentucky.

Education

Education is often given a definition confined to the idea of schooling. Recreation is related not only to the school problem, but in many ways has to do with the whole educational problem. A great many activities and experiences that are recreational are also educational and vice versa. "Scouting" furnishes both values. Reading may be educational and recreational at the same time; a good book may broaden the mental horizon and simultaneously afford entertainment, both cultivating the mind and refreshing the spirit. Travel often has the same double effect. There are numerous activities and experi-

ences which by the very fact that they do enlarge the mental horizon, or cause a change of the mental scene, produce that cathartic and revitalizing emotional result that is called subjectively recreation. Some forms of recreation are in much greater degree educational than others. Pitching horseshoes, hunting, playing marbles—these pastimes give a certain amount of pleasure and serve to train the eye and the muscles and to sharpen the wits, yet they do not educate the individual in the habit and art of social co-operation to the same extent as baseball and community drama.

And what is education? Education, in not unfamiliar phrase, is preparation for life, particularly a life of service. It involves education of body, mind and spirit. The benefit is not received by the individual alone, but accrues to the community, local, state and national. It reveals itself in enhanced community man-power. It helps fit for all the vocations, and the greatest vocation of all is life. Children's recreation, well guided and guarded, is educational in this broad sense of preparation for life and service through training and development of body, mind and spirit. It develops individuality and sociality, and helps fit for all vocations, the greatest of which is useful living in a world of men, women and children.

I. PLAY AND PLAYGROUNDS

There is one phase or aspect of the subject of recreation that deserves first thought on the part of the local or larger community—one that the community cannot neglect without clear shortcoming. We refer to children's play and to the responsibility of the community in practical matters related thereto.

Play and Human Nature

Children's play is rooted and grounded in instinct, and instinct is fundamental in all mental and social life. The instinctive tendencies and impulses of play are a racial inheritance, making play as natural as human nature itself, out of which it springs. They are irradicable and only in limited degree repressable, but they are subject to training and direction, and indeed are highly utilizable in cultivating the full flower of personality. Their repression and restriction have the effect of hindering and even of perverting the development of personality, and sometimes lead to anti-social outbreaks in childhood and youth, and unsociability and crabbedness in adult life. "Nature would have children be children before they are men," writes John Dewey; and Charles W. Waddle states the same physiological and psychological truth, the same scientific fact, when he says, more emphatically, "The child must play or he cannot become a man."

But the child will and does play, under conditions, it may be, physically dangerous or morally harmful. Even the child laborer plays. Last year 255 children 16 years of age and under were victims of industrial accident in Kentucky. The injuries in a considerable number of these cases, no doubt, were due to the play impulses; for in the midst of rapidly moving machinery, and in defiance of warnings, children *will* play. In the country at large, three times as many children as adults, in proportion to the number employed, are hurt in industry.

Play-Places and Supervision of Play

Just as certainly as children will play, they will seek and find play-places. There are several reasons why the local community should provide special play-places for children. One is that otherwise the children may resort to unsuitable places, as pool rooms or the streets. Boys may find their most accessible ball field, as they do in a section of Paducah, in a small triangle formed by railroad tracks, where a good hit sends the fielders in front of moving trains. Another reason is that a provided playground offers opportunity for directed play. The playground should be equipped in order to attract and hold the children and in order to aid the supervisor in getting desired results; but the supervisor, especially the trained supervisor, is much more important than any amount of apparatus, a fact which, in a number of Kentucky communities, was learned too late.

In nearly a score of instances that came to the attention of the writer, well intentioned efforts came to grief because it was erroneously thought that apparatus was enough for a playground. In Paducah a few years ago a playground was abandoned and the apparatus removed because "bad boys" took possession of the place, filled the neighborhood with noise, and broke up some of the equipment. A mine superintendent in Harlan County built a merry-go-round for the children at the camp, but the result was riot and debris; the superintendent gave up in disgust and accused the children of failure to appreciate his kindness. A school board in a small city issued orders that no children should be allowed on the schoolhouse grounds, on which a small amount of apparatus had been set up, at any time after school hours, or on Saturdays, or during vacations; the reason was very much the same as in the other instances cited. In a larger city, where the school grounds at several buildings are equipped with apparatus, their use by the children, except at recesses and during a short period after school dismissal, is deliberately discouraged. And so it goes.

It should be borne in mind that play on a playground, or elsewhere, no adult director being present, is often not undirected after all—it is directed by youngsters from the neighborhood who have the

qualities of leadership or of domination. "It has been found," write Colvin and Bagley, "that unsupervised playgrounds in our large cities are veritable hotbeds of vice, and the same may be true of unsupervised recesses and noon intermissions in the school. Where large numbers of children congregate, the welfare of society demands that an adult be present, with full authority to check, in the bud, the first expression of a dangerous tendency." It was on the playgrounds of rural schools in Kentucky, and not on playgrounds in the cities, that the writer saw most evidence of unfortunate conditions arising from lack of supervision. But the function and purpose of playground supervision is not merely to keep order and prevent mischief and evil; it is rather to furnish that intelligent direction of play which takes account of age differences and sex differences, which sees that all the playground population and not merely a part is both occupied and interested, and that the play of the children yields them its full positive, educative and recreative values. Then it is real supervision. The competent director or supervisor of the playground does not organize the spontaneity out of its activities.

The supervised playground is a school of democracy, of citizenship, of social ethics, while the unsupervised playground is psychologically and morally unsafe; but in both cases the same original nature of childhood is involved. There is doubtless no single specific play instinct, but there are many instincts that lead to the activities called play—and lead they may to the kind of behavior that is called juvenile delinquency. As G. T. W. Patrick says, "To throw something at something is almost as natural for a boy as to breathe." Shall old racial experience eventuate in a game of baseball or in the breaking of windows? That is the question. That is the question for many communities in Kentucky. Shall the pugnacious and competitive impulses and tendencies of boys run riot in quarrels and fights, or find expression and catharsis in football and pom-pom-pullaway? The roots of play reach far down into the past, and their names—just a few of them—are pugnacity, rivalry, love of adventure and of exploration, a propensity to climb and to run and to hide and to seek; and play is a plant that needs tending, a part of nature that requires nurture. In some sort, right play is a civilized weed; wrong play—a weed! Says Waddle, speaking of socially valuable play: "There is scarcely a virtue that is not born and reared to sturdy strength through suitable and timely play. Self-control, self-reliance, self-subordination, co-operation, loyalty, self-assertion, self-direction, capacity to lead and willingness to follow, are necessary virtues learned nowhere so readily and so surely. Justice, honesty, respect for the rights of others, the necessity for and the binding nature of law, and all those principles recognition of which complex social and

industrial life demands, come as by-products of rightly conducted play."

Provision of public playgrounds—equipped and supervised—serves not only to keep children from playing in the wrong places or from playing wrongly in the right places, but also to make them play enough. The sight of children "hanging around" in the streets, loafing in country stores, or playing by twos or threes instead of deriving the benefits of playing in groups, suggests what is needed. Contrary to widely held belief, children need to be taught how to play.

The school is the logical play-center for children. Its geographical location indicates this, and it is here that the children actually do congregate—here they are found. Moreover, the school is pre-eminently the children's own public institution, and should serve more of their needs than it usually does. If all schoolhouses contained sufficient room and facilities for indoor play, and if all school yards were sufficiently large and well equipped, public provision of children's play-places would have to go no farther; the rest could be left to parents and the home-yard. But such is not the case in Kentucky or in any other state.

How large should the school playground be? In an outline for a playground law, Henry S. Curtis would have "no city or town school built on less than one block of ground or on less than three acres unless a block shall have approximately this area, nor any high school on less than two blocks or six acres of ground, nor any rural school on less than three acres without special permission from the State Commissioner of Play and Physical Training as hereafter created in this bill." The laws of North Dakota set a minimum of two acres for the site of a schoolhouse. In Pennsylvania the school code requires that "no school building shall be erected without a proper playground being provided therefor. At least 30 square feet per pupil shall be provided in other than rural districts. Not less than one acre shall be provided in rural communities." The long and short of the matter is that "city children need a good sized school yard"—to quote Curtis—"because there is no other place to play," while "country children need a large yard because there is no one to play with except at school." Space, it should be noted in view of the general conditions, can be conserved through supervision and the introduction of space-conserving games—volley ball and tether ball as compared with baseball and football. The yards should be supervised (in the true sense) during recess, should be open and supervised after school until 5 or 6 o'clock, and should be open and supervised during the summer. Indoors, for use in inclement weather, there should be a gymnasium or playroom. An auditorium and a gymnasium or playroom might be combined. In a one-room country school, movable seats would be a solution of the

indoor play problem and would permit the room to be used, like the auditorium, for various social-center activities for young and old. What now are the facts about play facilities at Kentucky schools?

Play Facilities at Kentucky Schools

Surprisingly few school buildings in Kentucky contain either gymnasium or playroom. If what is true of 46 high school buildings outside the five cities of the first and second classes be true of all the high school buildings outside these cities, the percentage of such buildings containing gymnasiums is 13. School buildings containing basement playrooms or basement rooms suitable for play are rarely found. For lack of any good indoor play-place, children play in the toilet rooms on rainy or wintry days and sometimes on pleasant days. Or they play in the narrow halls or among the rows of seats in the school room—if the teacher permits. An auditorium, or a school room with movable seats, is seldom available. Out of 125 schools in nine cities of all classes, only 18 admit of indoor play except under the most crowded and confused conditions. Observation and inquiry also revealed to the writer that out of 911 county schools only 31 afford suitable opportunity for indoor play. Of course there are marching and line games which could be utilized by teachers in the aisles and halls, but the majority of teachers are not so resourceful—or they have no time.

The playgrounds out of doors are more often inadequate than adequate in size, measured by the test of actual rather than ideal uses. On data obtained by personal observation and interviews with superintendents, only 48 out of 143 schools in 18 cities have grounds large enough not to be congested. Of 911 schools in 12 county systems, only 414 have grounds that are not congested at recess or that do not send the children out into the road to play. Data at hand indicate that not more than 30 per cent. of the one-room schools stand on half an acre of ground and not more than five per cent. stand on an acre or more. A few years back, a Kentucky schoolhouse was erected on a plot of land exactly the same size as the building. Most of the rural schools were built when it was not the fashion to provide a playground. A small plot of land good for nothing else, but good enough for the site of a schoolhouse, was bought by the trustees or donated by some citizen; frequently the location was unsightly, and still remains unsightly; sometimes the ground was a rough knoll or hillside, where the rains are washing new gullies. However, county boards and superintendents are generally showing increased recognition, or showing recognition where there was none before, of the need of sizable playgrounds, and though fixed minimum standards are absent in most counties and numerous exceptions to a progressive policy are

found, the sites of many new buildings are such that they may appropriately be called "modern sites." Around the consolidated schools in particular, the yards are of considerable size, though often undeveloped. In Louisville, in recent years, "the block standard" in regard to school sites has been followed; each new building occupies an area at least the extent of a city block, or approximately 400 by 400 feet.

As for equipment, 54 out of 151 school yards in 20 cities are equipped with apparatus, a percentage of 34; while 124 out of 881 county schools have yard equipment, a percentage of 14. It should be understood that this equipment in many cases is very meagre, often consisting of a swing or two. Not always was the apparatus well chosen as regards appearance and durability. Further, swings, seesaws and slides are for individual rather than communal use; and because individual play predominates over communal away from the school, a special effort should be made on the school ground to develop the latter form. In the great majority of instances, the school board contributed nothing whatever to the purchase or erection of the apparatus; in several, the funds were provided by individual donors; in more, they were raised by Parent-Teacher Associations, women's clubs or similar organizations, or by pupils on the initiative of a principal or teacher. Not infrequently it was secured from the proceeds of entertainments given by the school children, and thus an excellent form of recreation—the school entertainment that brings out the adults—was invoked in aid of another. In Paris, during the influenza epidemic last year, the teachers at the white school went to work with saws, hammers and nails, and made playground apparatus with their own hands.

Out of a group of 82 equipped school playgrounds in cities, towns and villages, only 13 are supervised in summer. (Louisville and Lexington schools are not included in this group). Doubtless it is true of the state as a whole that few of the not over-numerous school playgrounds are supervised in summer. Supervision after school hours and on Saturdays is still rarer.

Play at Kentucky Schools

The undefined question, "Do children in school yards really play?" was put by the writer to four professors in Kentucky normal schools. It was indicated that the question referred particularly to the rural schools. The answer was unanimously "No." It was slightly qualified in further conversation, but these men who have intimate knowledge of the rural schools declared that it held good as a general rule. It was meant that such conditions as the following prevail: Boys scuffling and striking each other instead of engaging in games and sports; girls walking around in pairs or small groups, or driven by

the boys' games to a far corner of the grounds for "drop-the-handkerchief"; the older boys and girls playing, while the smaller and younger children are doing next to nothing; conditions, in short, under which too few of the children of the school—perhaps but a very few—are interestedly and earnestly occupied in play. The testimony of these wideawake professors was corroborated by observation and further inquiry. The writer discovered a half dozen school yards on which, though they are large and level, the boys seldom play even baseball; lacking sufficient initiative or organizing ability among themselves, they indulge in lazy play, and their teachers make no attempt to start things going. And here is the crux of this matter of play in the country schools, and in most of the city schools, too. Size and apparatus do not make a school playground; the teacher makes it.

What are the qualifications of Kentucky teachers in this regard? In ability to teach games and organize play, they are, as a body, deficient. The judgment of 12 county superintendents on teachers in their respective counties, runs as follows: "Ability better since they have been taking that sort of work at the Normal"; "Ability poor"; "Ability excellent"; "Ability poor"; "Teachers not trained"; "Ability very good"; "Only a few teachers able to teach games or organize play"; "A few teachers with ability in this line"; "Not efficient"; "Never played themselves and don't know how"; "Ability very poor"; "They don't try." Many teachers are doing good work in the way of livening, strengthening and bettering the play life of the school, and some are doing excellent work. Hundreds are finding by experience that such attention as they give to directing and developing playground activities lightens the tasks for which they are paid; not least of all through its contribution to a school discipline which is positive not negative in method, and active not passive in its manifestations. But out of 1,200 teachers who attended a recent institute, according to the institute instructor, only a dozen had ever done anything with games or organized play in any form. Unfortunate is the teacher whose conception of playground supervision is the keeping of order, the performance of police duty, and whose practice conforms to the conception. Often the performance of police duty is specially and solely enjoined upon them in official instructions from principals and superintendents.

A number of county superintendents are urging their teachers to get out on the school ground and enter into the games and sports of the children. Two or three are making it a requirement. Ten superintendents expressed to the writer unanimous belief that the normal schools of Kentucky ought to do more to prepare their graduates for playground responsibilities. Most of them were emphatic on this point. The normal schools (those at Bowling Green, Richmond and Berea are here considered) have taken cognizance of the need and are

making some slight effort to meet it. In general, however, the training given has but an incidental and subordinate place in the curriculum and makes but little impression on the student as a practical and important tool in future work. The teaching of games and organizing of play is neglected in the practice teaching required of normal students; though there is some supervision of school yards, it is usually nominal supervision. A good repertory of games and plays for the rural school and the rural community should be the possession of every normal school graduate, and experience in its employment should have been afforded in the curriculum. Men responsibly connected with the normal schools so declare. One of them told the writer of graduates who come back from their rural schools saying that the boys and girls had begged to be taught new games and plays, and had begged in vain, because the teachers themselves had not been taught. Of course the normal schools cannot—and they need not—attempt to train professional playground supervisors, and they would be unwise to overcrowd and overload the curriculum; but when they get farther out of their originally exclusive devotion to technical pedagogics, and seek more definitely and earnestly to solve the actual educational problems of Kentucky so far as can be done through the training of teachers, there will be better times for the schoolhouse yard and more profitable times on it for the children.

The county institutes afford a splendid opportunity for play and recreation propaganda and for instruction in playground practice and the technique of games. Sometimes special attention has been given these matters at institutes, according as the person in charge has been interested. This year the State Y. M. C. A. has lent to several institutes the services of experienced play and recreation instructors, who have taught and directed group games suitable for the teachers to take back to their schools and communities. The teachers of Kentucky have received very little practical assistance from the State Department of Education. The few paragraphs on "The Educative Value of Play" in the latest available "State Course of Study" (edition of 1916) are excellent, but they do not yield the teacher any information on what to do and how to do it. The Louisville Board of Education publishes a "Handbook of Physical Training and Games" for the use of teachers in the schools of that city. Berea Normal School publishes a serviceable handbook of "Games for Rural Schools."

A highly commendable bulletin put out by the State Department of Education is "School Architecture," by J. Virgil Chapman and Mrs. V. O. Gilbert, of that department. This bulletin, which is profusely illustrated with photographs and diagrams, emphasizes the importance of abundant yard space and of buildings planned with reference to social-center (including recreational) uses. It should

exert a strong influence in behalf of play and recreation upon the public-school authorities to whom it is addressed.

Summer Playgrounds

Considerably developed municipal playground systems are to be found in only two Kentucky cities,—Louisville and Lexington. As distinguished from a summer playground system, an all-year, comprehensive recreation system, under municipal administration, or under any single or centralized administration, is non-existent. It should be mentioned, however, that the Civic League of Lexington, which administers the summer playgrounds of that city jointly with the Board of Public Works, and which actually directs and supervises the playground activities, conducts broadly recreational work throughout the year, notably at the Lincoln School. In Louisville the Board of Park Commissioners conducts summer recreational work in connection with the parks and playgrounds, but hibernates, recreationally, early in the fall; supervised winter recreation of considerable scope, under park board auspices, would be entirely feasible if the financial problems of the board could be solved. At present supervised winter recreation, mostly indoors, is provided by the War Camp Community Service and by other civic and philanthropic organizations, like the social settlements, all of these agencies functioning 12 months in the year. Everywhere in Kentucky municipal administration and municipal support of public recreational work are confined to summer playgrounds; and even in this department (except in Louisville) the burden of the work, including its financial support, falls very largely and often wholly on public-spirited individuals and private organizations.

Louisville

The Board of Park Commissioners, existing and operating by special charter, has under its control 30 parks with a total area of 1,365 acres. The area has been augmented during the past year and extensions are in prospect. Public use and appreciation of the parks is increasing very fast. Recreational equipment includes a municipal golf links, tennis courts, baseball diamonds, playground apparatus, two swimming pools and a number of shelter houses, field houses and refectories. Records show that 647,827 persons used the recreational facilities of the parks during the summer of 1918; these figures are incomplete.

Of the recorded attendance, 474,198 is the attendance of boys and girls at the supervised playgrounds, including the playgrounds borrowed by the park board for the season. Besides nine playgrounds owned by the park commissioners, the supervisor of recreation (who

is employed by the board during the summer season) utilized in his work with children nine school playgrounds and three playgrounds on privately owned property. Of the whole 22, three were for colored children. The attendance at all these playgrounds was 595,422. Among the playground activities were sand-play and story-telling for the youngest children. More than 500 girls participated in the folk-dancing classes. In recognition of the need for properly qualified playground workers an "Institute for New Instructors" was established. The park board operated the same number of playgrounds this year.

The supervised playgrounds in Louisville are insufficient both in number and in area for the playground needs of the city's 35,000 school children of school age, to say nothing of older and younger groups. Probably not half of the children live within easy walking distance of the existing supervised grounds. There should be at least twice as many supervised playgrounds as there are now. Large sections of the city are entirely lacking in playground facilities; as, the "Lower Point" section, the section north of Broadway and west of Preston, the lower Highland section northeast of Shelby Park, and the region of which the junction of Sixteenth and Oak is the approximate center. Additional parks and playgrounds for negroes are greatly needed. The statement of a park commissioner that none of the parks or playgrounds is barred to negroes begs the question. The only negro playground owned by the park board is at Baxter Square, where a color line separates that portion of the park set aside for the use of negroes from the portion reserved to the white population. This park should be given over entirely to the use of whites, and Western Cemetery developed into a recreation park for negroes. Playgrounds should be provided for the negro communities lying in the vicinity of the Douglass School and of the Phyllis Wheatley School; also for the community lying northwest of Shelby Park. Not only should Louisville's playground facilities be extended geographically, but playground supervision should be extended in length of time. The playground season is too short. The main operating season in 1918 was 11 weeks, nine playgrounds being operated for a longer period. All-year playground work is desirable, if not immediately practicable. Lighted playgrounds for evening use are also desirable. In the last two seasons advantage has been taken of daylight saving and some of the playgrounds have been in operation 12 hours a day.

A complete description and criticism of the present system is neither possible nor appropriate in this report. The writer believes, however, that Louisville is only at the beginning of a public playground system approaching adequacy. Lack of funds seems to be an obstacle. Eventually, if the people of the city shall acquire a sufficiently strong desire for children's playgrounds and playground work,

that obstacle will be overcome. A citizens' committee on recreation, of which leading recreational workers of the city should be members, could undoubtedly do much to arouse and mobilize public sentiment. Such a committee could also take the important step of making, or causing to be made, a thorough and comprehensive study of recreational conditions and problems in Louisville, and of formulating, in the light of that survey, a definite, yet flexible, long-term recreational program. The survey should take into consideration, not only children's playgrounds, but desirable recreational activities of all kinds for all seasons of the year, including the use of school buildings and other public properties as social centers, and including also the subject of commercial amusements. The survey should be published and the people of Louisville made thoroughly acquainted with its findings and its practical implications. Such a committee as is here suggested should be permanent, co-operating with the municipal government, the park board, the school board, the library board, the water board—in short with the various scattered public and private agencies that are engaged in recreational work in Louisville. There is much lack of co-ordination of recreational properties and their uses at present. The committee, unofficially or semi-officially, should seek to effect greater economy in the expenditure of money and effort for recreational purposes. Through a sub-committee, functions in connection with the control and supervision of commercial amusements might be assumed. A recreation committee of the Louisville Community Council has lately been formed and is now laying plans for action.

Neither to the park board nor to the school board can Louisville look for the immediately required development of public recreational service. The former is now spending on parks and playgrounds, mostly on parks, the maximum amount of money legally available from taxation; the board doubtless does not intend to slight recreational work (as distinguished from park and parkway development), but the recreational work which it finds itself able to support is of small amount compared with the work that ought to be done summer, fall, winter and spring. A charter amendment, a municipal bond issue and a public subscription of funds are possible methods of securing in whole or in part the necessary income. Some help toward the maintenance of playground and social-center work is doubtless obtainable through charging fees for certain recreational privileges, as the use of swimming pools, but the practice of charging for public recreation, though justifiable as a mode of regulation, is indefensible as a revenue-raising policy, and therefore cannot be carried very far. The park board, with its legal and financial handicaps, is the principal public agency concerned with recreation in Louisville.

The school board, as a recreational agency, is also handicapped

legally and financially. There is no specific prohibition which legally prevents the board from employing public playground supervisors or from conducting social-center activities, but under the law the funds of the board can be used only for educational purposes, and these funds do not admit of expenditure beyond a rather strict interpretation of "educational purposes." The board has, however, equipped some of its own playgrounds, and it allows the use of its grounds by the park board in summer or at any time on request. It employs no playground supervisors, but has a supervisor of physical instruction and two assistants for the grade schools and a physical director for each of the three high schools. As these workers give considerable attention to games for the younger children and athletic sports for the older boys and girls, it may be said that the school board provides some amount of supervised play, both indoors and outdoors. The board grants the uses of school buildings to the War Camp Community Service for social-center activities. Nevertheless the school board as a recreational agency does not cut an important figure. As for its properties, only a third of the schools have playgrounds suitable for inclusion in a city playground system, while a smaller number are equipped with apparatus; and only a fifth of the buildings are adapted to indoor recreational uses.

Louisville is face to face with the fact that its recreational problem and its needed program are of wide scope and great urgency, and that there is no public agency in the city likely to formulate a comprehensive program or financially able to carry it out. It is worth considering, whether the need of correlated, co-ordinated procedure in the achievement of an all-year public recreational system for Louisville does not warrant the establishment in the city government of a recreation commission. The day will come when every progressive city and state in America will have a recreation commission. For the recreational function of government is logically a single function and should be performed by a single agency, thus insuring efficiency as regards results and economy as regards getting the results. In Louisville a scattered plant under a recreation commission would be inevitable; but a scattered recreation plant is the case at the present time. Scattered functions, however, and scattered effort, would be done away with in large measure. As for expense, a commission would not increase it; if more public recreation is to be provided, it must be paid for by the people; money paid for recreation is an investment for any community; money for recreation will be better spent by a recreation commission than by a half-dozen or dozen different agencies, none of which makes the study and provision of plentiful wholesome recreation its special business. Supervision of moving picture shows, dance halls, pool rooms and other commercial

amusements, and enforcement of ordinances and statutes pertaining thereto, would, perhaps, devolve on such a commission.

Other Cities

Supervised summer recreation is conducted on four playgrounds in Lexington. Three of these playgrounds are in three parks owned by the Board of Public Works. The fourth, at the Lincoln School, was purchased by the Civic League and donated to the Board of Education. The work is supported by the funds of the Civic League and an annual appropriation by the city government, and is in charge of the Recreation Committee of the Civic League. One of the playgrounds is for colored children. The Civic League conducts summer recreational work for children at the Blue Grass Sanatorium, the Orphans' Home and the Children's Home.

In Covington interesting work is conducted by the Art League in a playground of 13 acres. Equipment, including swimming pools, was provided by the Board of Park Commissioners. Supervision is paid for out of municipal and private funds. Kindergarten play and sewing classes are features of the extensive work carried on. It was a member of the Covington Park Board who said to the writer that public playgrounds are an economic asset to any city, adding that they helped greatly to make a city a desirable place in which to live and bring up a family. Five school yards are equipped with play apparatus, but are not supervised in summer.

Garden and playground work in combination was carried on in Owensboro this year under supervision of a school principal, who had nine assistants for the work at six white schools, two colored schools and one parochial school. Nine playgrounds were in operation at the beginning of the season, but three were discontinued. The garden and playground work was supported by the city commissioners, the Board of Education, the Rotary Club, the Women's Club and Associated Charities. A marked decrease in juvenile delinquency is reported as a direct result of this work. Last summer only one playground was operated in Owensboro. One of Owensboro's two public parks is equipped with swings and slides.

Hopkinsville, by the will of the late W. A. Wilgus, has recently come into possession of three equipped playgrounds. There is also playground equipment in Virginia Park; none in Peace Park. The playground area totals seven acres. No provision has been made for playground supervision. At each park and playground a man is employed by the city "to keep order and clean up." School yards are open in summer but play is not supervised. Negro children are without any equipped municipal or school playground, though Hopkinsville has a very large colored population.

In Newport, the local government contributes \$100 a year toward supervision of play in Maple Grove, a park near the city. The work here is conducted by the Women's Civic League. In the city proper there is no summer supervision of play. The city has placed apparatus in one of its parks, and two of the school yards contain equipment.

At Kolb Park, in Paducah, playground work was carried on during the summer of 1918 by the local organization of the Women's Council of National Defense. This year there was no supervised play in the city. All of the school yards, some of which are very small, contain apparatus.

Club women in Paris raise funds for summer supervision of the playground of the white school. In Berea, a community playground on the college premises is largely supported by club and church women. The Y. M. C. A. was instrumental in establishing playground work in Versailles. The *Public Ledger* of Maysville recently contained this editorial: "January Park in the east end of the city is again this summer no more than an unsightly vacant lot. This property was deeded to the city of Maysville as a public park. Why can't the city or some of our organizations turn this park into a public playground for the poorer children of the city? Maysville needs a public playground as bad as any city in the country." Henderson, Ashland, Bowling Green, Pineville, Harlan, Middlesboro, Georgetown and Richmond are among the cities in which no summer playground work is conducted.*

The small playground of the Wilkinson Street School, Frankfort, is equipped with swings, but is not supervised in summer. The grounds belonging to the other schools are small and contain no equipment. The city owns no parks or playgrounds. Says the mayor: "I have just taken up this matter of parks and playgrounds for children and hope within a short time to be able to say that we have a park or public playground in Frankfort where children can play without being on the street." Frankfort affords an example of what comes of a city's failure to plan ahead of its own development and see that park and playground space is not all pre-empted for other purposes.

Available data indicate that fewer than 20 per cent of the cities of the first, second, third and fourth classes have any summer playground work at all. In no city is there a sufficient number of equipped municipal and school playgrounds to meet the need of such work. In the larger cities, extensive areas are without any playground at all. In the smaller communities, in many of which the development of the grounds about the school houses would solve the problem of

*According to statements by mayors, city clerks, and school superintendents.

space for supervised play, the shortage is equally obvious. Everywhere there is woful neglect of play and recreation for negro children.

Suggestions and Recommendations

Progress of the play-center movement in Kentucky depends primarily upon public appreciation of the worth and importance of the objects of the movement. Granted that the people have the money to spend, they must be willing to spend it. Publicity and propaganda are required; in other words, the education of the public. Right here a recreation committee or association or league of the local community can perform a great service; and, on a state scale, some state organization of citizens, not necessarily one that confines itself to recreation.

It has been shown in this report that playground work—the equipping and supervising of playgrounds—has usually been initiated, conducted and supported, not by municipalities or school boards, but by individual citizens or civic associations. To such private effort will be due most of the playground progress in the immediate future, and as demonstration work it is the most effective kind of propaganda for provision of recreational facilities and supervision out of municipal and school funds. The more demonstration work, the better.

The State Department of Education should diligently preach the gospel of children's play and recreation in the schoolhouse and the school yard, and through literature disseminate information that would be of real assistance to teachers. It should also preach the use of the school plant and premises for adult recreation. One or more field agents should be employed to promote, by personal contact with teachers, school officials and the general public, the cause of recreation in connection with the schools and to help teachers and communities with information and advice and the organization of recreational work.

The education department should have a definite, workable recreation policy, covering all feasible uses of the school plant evenings, Saturdays and during vacations. This policy should be entrusted for administration to a special bureau or officer in a reorganized department of education. (See report on *Education*.) The propaganda and field work above mentioned should be part of the work of this bureau or officer. Recreation and physical training might be placed under a single state bureau or supervisor; but recreation, in that case, should not be treated as subordinate to physical training. Broadly conceived, and with due recognition of its infinite variety of form, recreation is much more than a means of physical training; it is a means of training the mind, the imagination, the morals and the aesthetic sense.

The Department of Education should be delivered from its pres-

ent impotence and clothed with such authority over all the schools of the state that it could, through its bureau or supervisor of recreation, approve or reject plans for all buildings which did or did not conform to minimum standards respecting space for play and recreation, indoors and out; and such standards should be set up by law or by legally authorized ruling of the education board. The board should make play activities a correlated and compulsory part of the daily program of every school. This might well be done in connection with physical education requirements.

As local school officials, apart from the question of adequate available funds, are dubious of their legal ability to spend money for recreational purposes, the school laws of the state should be amended and developed so as to put school purposes on a clear and modernly comprehensive legal basis.

A recreation act, applying to school districts and municipalities and clothing them with ample and definite authority in the field of recreation, is suggested and recommended. An act similar to one recommended by the Playground and Recreation Association of America, and adopted in substance by the legislatures of five states, would provide, among other things, that "Any city, town, township, borough, village or public school district of this state may take land within its limits in fee or by gift, purchase or right of eminent domain, or lease the same; and may prepare, equip and maintain it, or any other land belonging to the municipality or district and suitable for the purpose, as a public playground, and may conduct and promote thereon, play and recreation activities; may equip and operate neighborhood recreation center buildings; may operate public baths and swimming pools; and may employ such play leaders, playground directors, supervisors, recreation center secretary or superintendent and other officials as it deems best." The act should authorize the establishment of a recreation commission without requiring it as the agency of administration.

From questions of legal power and authorization to take land and spend money for recreational purposes, the problem returns to questions of the availability of money, including questions of taxation, and comes back at last to public opinion. The development of public recreation in Kentucky is in the hands of the people. What the people want for themselves and their children they can get. Propaganda and demonstration work are prime requisites of progress in this direction.

II. COMMERCIAL AMUSEMENTS

Millions of dollars of private capital have been invested in business enterprises founded on the recreation demand—the recreation hunger—of the American people; hence our commercial amusements,

so called. On the other hand only a few dollars of public money have been invested in recreation for the people, though the dividends of such expenditure are enormous. The same disparity between private and public investment in recreation exists in the commonwealth of Kentucky. Its significance from the standpoint of the welfare of Kentucky children cannot well be overlooked or easily underestimated.

General Considerations

It is principally the commercial element in commercial amusements that renders them sometimes vicious and always a proper object of social surveillance. True, some of the best entertainment—the best of legitimate drama, for instance—is provided under commercial auspices. True, the moving pictures are not of necessity evil or harmful by reason of the fact that they are shown for money. But no form of recreation or amusement can safely be left to unrestrained, unregulated commercialism.

There are two methods of control: first, law and the enforcement of law; second, the direct application and pressure of public opinion. Public opinion is, of course, reflected in law and the enforcement of law, but is directly, if insufficiently, effective through the fact that operators of commercial-amusement places do defer to the apparent moral standards of the community; it is profitable and more respectable. The latter method of control is not really a method at all until through civic organization the moral standards of the community have been made manifest. Both methods are strengthened by civic organization, for both are weak according as public opinion is weak, and public opinion is weak if it be not informed and mobilized.

There are two attitudes of approach to the problem of commercial amusements. In one view, no good whatever exists in commercial amusements or in the amusement forms which have lent themselves to commercialization; but in another view, these amusement forms are worth preserving and cultivating, while commercial amusements as such are deemed susceptible of control. One view leads to a policy of suppression and extermination; the other, to a policy of encouragement, development, regulation and socialization.

A policy of socialization implies belief that commercial amusements, if they are bad, can be converted (to speak in orthodox language) and can be enlisted in the service of God and man. If they are bad, then civic conscience and militant morality can fight them; and the voice of wisdom saith, "Fight them with their own weapons, as well as with ordinances and statutes, to the end that the bad in them may be overcome by the good in them." There is scriptural authority for the attempt to overcome evil with good. Provision of good amusement and recreation, including forms that are commercialized, is an

excellent way of combating bad commercialized amusement.

A policy of socialization calls for a program that goes beyond mere legal restriction and puts private and public agencies actively into the business of un-commercial amusement and recreation. A municipal amusement plant or a community house, containing facilities for picture shows, dances, pool, billiards, bowling, and so on, suggests what may come of such a policy and program. Doubtless a licensed commercial institution, a center providing for the conduct of these amusements under municipal or community auspices and direction, could be made morally and civically useful.

Civic Organization

In Louisville, during the war, the character of commercial amusements and of commercial-amusement places was raised to a point from which there need be no retrogression and from which there will be none if the local community remains organized and public opinion mobilized. The advance was accomplished in the interest of soldiers in nearby camps. Military authorities, the police department of Louisville and the War Camp Community Service co-operated. In Louisville civic organization and political government were joined in social control of commercial amusements.

In Kentucky at large civic organization as affecting commercial amusements is usually represented by a ministers' association or a women's club. On occasion of some gross offense, an impromptu protest is uttered; or some special condition of things is the cause of a special crusade. The protest or crusade may or may not issue in a permanent betterment of the general situation.

Political Government

Municipal legislation dealing with commercial amusements is very nearly non-existent in Kentucky. Here and there may be found an ordinance forbidding dancing in apartments connected with saloons or an ordinance specifying the qualifications of the operator of a motion picture machine. That is about all, except for the few ordinances that repeat the requirements of state laws respecting safety and sanitation of buildings or the regulations of the State Fire Marshal and the State Board of Health.

Essential to control of commercial amusements through political government are: (1) Definite standards, fixed by ordinance or statute, or by executive order if not otherwise established, and covering matters of safety, health, morality, opening and closing hours, the ages of those attending and the hours of children's attendance; (2) an officer or staff of officers especially assigned to the enforcement of laws, ordinances and regulations with regard to commercial amuse-

ments, and responsible for systematic and frequent inspection of amusement places; (3) a licensing policy that aims not at revenue only, but also at control, licenses being revocable and not again issuable within six months or a year; (4) centralization of authority and responsibility in all matters pertaining to commercial amusements, this authority and responsibility to be lodged in a licensing bureau, preferably under the mayor.

No city in Kentucky conforms entirely to any of these requirements, and indeed the general situation is quite different. Commonly the control and supervision of commercial amusements is left wholly to the police department, which concerns itself to the extent of preventing or stopping disorder in a dance hall or of prohibiting the presentation of a film like "The Birth of a Nation" because of the danger of race riots. The original issuance of licenses is seldom so conducted as to serve as a means of control, revenue being the chief object.

Moral dangers in commercial amusements seem to be practically ignored not only in the state laws but in the ordinances of most cities, while local legislation touching safety and sanitation in amusement places is far from adequate.

Turning now to conditions respecting law enforcement, one finds them unsatisfactory. To illustrate: it is a violation of state law to keep picture houses open on Sunday, unless it be demonstrable before a court that so doing is a work of charity or necessity; but movie shows are given on Sunday in several cities. Again, in only three of thirteen Kentucky cities that have curfew ordinances is there any attempt at enforcement whatever; if they were old outworn "blue laws" there might be some passable excuse for this neglect, but they were all enacted within recent years and became dead letters almost over night.

Motion Pictures

The great popularity of the motion pictures among both children and adults is sufficient reason for giving serious attention to the regulation and control of this form of commercial amusement. As an educational and moral force the movies have much to their credit. They drew patronage away from the saloons. They have attracted to the picture house boys and girls who might have gone to worse places. On the whole they have probably done more good than harm, but their record is not without flaws. They are coming into the little towns. Their patronage in the cities is increasing. Their influence therefore is growing day by day. So vast a power for good or ill cannot be left to the mercies of commercialism. The proprietor of a picture house in western Kentucky declared to the writer that in running his business he cares for nothing but the box-office receipts.

Going to the pictures is like eating peanuts—it is hard to stop. An abnormal appetite for the movies is developed by going. This is particularly true of children. Children's movie-going can easily become excessive—too expensive, even at the low prices; overstimulating and too constantly stimulating to the emotions. Less movie-going and more recreation in active forms on the school or municipal playground would be far better for the children of many of Kentucky's cities and towns. More drama, too, in which the children themselves take part. The movies may be educational and entertaining and all that, but they are a passive form of recreation and allow no self-expressive participation. Also, they tend to bring children into the night life of the streets.

Safety and Sanitation

Physical conditions of movie theatres may be as harmful and dangerous to patrons as the pictures. Management is sometimes lax in matters pertaining to safety. Lexington proprietors were hailed before a grand jury last year and ordered to correct conditions as to crowding of aisles, stairways and lobbies, but there are proprietors in other cities who ought to be called to account. In a two months' period this year the State Board of Health closed more than a score of picture houses in various parts of the state because of poor ventilation. Out of 60 theatres inspected by the writer three were apparently without any ventilation at all. These lacked artificial means of ventilation, had no side doors or windows, and if there were rear doors or windows they were shut off by the screen; the entrance door, which seemed to be the only source of air supply, was kept closed most of the time during the performance. In fifteen other theatres the air was so heavy that it weighed like lead and evoked loud protestations from the babies in the audience. In perhaps a dozen the air was tolerably sweet and clean. Unfortunately a large number of people seem to expect picture houses to be ill ventilated. Foul-aired movie theatres are taken as a matter of course. Many of these are in old buildings which were never designed for the purpose and which could not be converted, except at prohibitive expense, so as to conform to good standards of sanitation and safety. That is the proprietor's excuse, but what excuse has the community? Inadequate lighting of theatres was noted in six instances. In one theatre, visited twice, persons within touch of the hand were indistinguishable after the eye had accommodated itself to the darkness.

Municipal ordinances should require that stiff requirements as to construction of building, location and width of entrances, exits, stairs, aisles, and fire escapes, signs over fire escapes, heating and lighting arrangements, ventilating devices, toilet facilities, and location and

construction of booth enclosing the moving-picture machine, be met before a license for the premises is issued, whether the building be new or old. The safety and health of the people is the same imperative public concern under all circumstances.

Attendance of Children

Children form a large proportion of the average movie audience the country over—20 to 25 per cent. A proprietor of three picture houses in a Kentucky city told the writer that 25 per cent of all tickets he sells are for children under 14. The superintendent of schools in the same city stated that 90 per cent. of the 2,000 pupils above the fourth grade attend the movies at least once a week and that 50 per cent. attend twice a week, while some go five times. The writer made acquaintance with a fifth-grade boy 14 years old whom he encountered at three different picture shows on a Saturday. The picture houses of this city are used by farmers and their wives, when they come to town to sell produce and to shop, as a place to deposit their children for the afternoon.

In a number of cities and towns the writer attended shows where children formed 50 to 75 per cent. of the patrons. This was usually on "serial night," when a thrilling "episode" full of daredeviltries and horrors was presented. One proprietor said, "On Saturday nights I give a program for the rough-necks, the worst stuff I can get," and later in the conversation, "My patrons are mostly adults, but I have 30 to 50 per cent. children on Saturday nights." Though children attend the movies in great numbers, it is not for them that the pictures are selected. And if such were indeed the case, there might be errors in the choice of one Kentucky exhibitor, who, when asked his idea of an educational film especially suitable for children, replied, "Theda Bara in Cleopatra."

Character and Influence of Pictures

A few city superintendents of schools were asked to state their opinion of the character and influence of the local picture shows, with special reference to the children. Their replies follow: "The movies are bad"; "They are not always what they should be"; "Their influence is not the best"; "Their influence is good"; "We have cleaner shows than most cities, but cowboy and vampire roles are too common still"; "Pictures are better than formerly, but the children boss their parents and go too often"; "The effect is not wholesome, we need a censorship"; "The movies hurt rather than help so far as school work is affected"; "They are punk, and every now and then a bunch of young brigands, after seeing brigands on the screen, breaks out and robs stores." A dozen superintendents, including some of those

quoted above, expressed a desire to introduce moving pictures into their schools, using them not only for educational but for entertainment purposes. Several said that they wanted to do this as counter action against the town's commercial movies and one declared that he would go down into his own pocket if the school board would not support the enterprise.

Despite the fact that films rejected by censorship boards outside the state are dumped into Kentucky, the character of the pictures shown averages about as well as in most states. In mixed programs of vaudeville and pictures, the pictures were found by the writer to be invariably the cleaner and altogether the better part. A proprietor of a theatre regularly offering a mixed program said, "The vaudeville is usually so rotten, morally and every other way, that I won't go to my own theatre." But children go. Of salaciousness on the screen the writer saw little in viewing between 150 and 200 films, but saw much that was subversive of high ideals of sex relationship and family life. He saw problem plays, involving sex relationship, that might have been all right for adults but must certainly have been incomprehensible and misleading to children. Time and again a single picture spoiled an otherwise good program for children. The remedial problem, by the way, is not so much a matter of better pictures as it is of better programs.

Not least unfortunate for children, partly because of their extreme popularity, are the dime novels, the shilling shockers, of the screen. These include the serials—riotous melodrama! Thrill upon thrill, and the crowd of boys in the front seats become overwrought with excitement, uttering hysterical cries. And next day it is all they can think about; next week or sooner they come back for more. These emotional orgies, with their aftermath of wandering wits and a craving for excitement, like a drunkard's craving for liquor, debauch the mental life of childhood. Children in this condition cannot apply themselves in school and are intractable at home. Teachers and mothers in Kentucky, as the writer knows from their own testimony, ascribe many of their tribulations and troubles to the picture shows.

It was the unanimous testimony of juvenile court judges with whom the writer talked that the majority of delinquent boys are movie fiends. Sometimes a causal connection between the movies and the delinquency is traceable. For example, seven out of eight small boys who were brought into a court on a recent occasion had stolen to get money to go to the pictures. One judge told of a group of boys who had gone just outside the city and repeated, with some variations, the performance of a band of movie bandits.

Much of the play of children is dramatic. Children are always and forever doing things in character because their dramatic

instinct is so strong.* Not always is it mere imitation of film drama that they attempt when the motion pictures seem to be the cause of their delinquency, but often it is their own creatively dramatic use of materials furnished them by their memories of the screen. It is important that adults should attend carefully to the kind of materials presented to the minds of our juvenile dramatist-actors.

Control of Attendance

No ordinance restrictive of the attendance of children at picture shows or other commercial amusements was found in any city out of 35, unless curfew ordinances be regarded as coming within this category. A superintendent of schools, disapproving the principle of legal restriction of children's attendance at the pictures, has worked out a schedule of home study that allows for occasional movie-going. He reports that by thus taking the children into virtual partnership with himself and dealing with the question of movie-going on a positive rather than a negative basis he has obtained gratifying results. The writer is uninformed to what extent there is co-operation between the superintendent and the local proprietors in arranging for suitable children's programs on the occasions left open for the movies in the home-study schedule. Opportunities in this direction, under similar conditions, undoubtedly exist. A school superintendent or principal might enter with a theater proprietor into a beneficent conspiracy whereby the latter would furnish on certain dates programs suitable for children and the former would advertise at school the attractions given on these dates.

Control of Pictures

Censorship raises many questions. The countrywide discussion of the principle and practice of motion-picture censorship has had to do with freedom of "speech" on the screen, with dramatic liberty and license, and with political machination. The welfare of children, as a special phase of the problem, has not been prominently brought into the debate, though the general welfare has been at the bottom of the controversy. Of censorship it has been written: "Most states and most cities, when viewed from the standpoint of the censorship problem, are practically as heterogeneous as is the entire country. No censorship, whether voluntary or legal, under existing fundamental laws and trade conditions, can direct the use or restrict the audience of any film after it is once approved." Now a film censorship that might protect adults might not protect children. Pictures that are suitable for grown men and women are not always suitable for imma-

*G. Stanley Hall is high authority for employment of the term, "dramatic instinct."

ture boys and girls. Pictures that are suitable for children 12 to 15 years old are not always suitable for children under 12. Whatever the dangers and abuses of censorship may be, it obviously falls short as a measure of child protection.

In Harlan, Kentucky, a censorship board was established last year by action of the city council. It is composed of five women. The ordinance provides that this board shall examine and pass on all picture films before public presentation and shall eliminate anything tending to be of an immoral or improper nature. The board does not now view the pictures before they are shown. Films arrive in Harlan only a few hours before they are to be exhibited. Rejection then would leave the proprietor in the position of having to pay for a picture for which he would be unable to secure a substitute; very likely he could not open his theater at all that evening. These conditions of film distribution may have helped determine the policy of the Harlan board. The policy adopted is to make it plain to the proprietors that they must themselves select and insist upon getting good pictures from the distributors. A Harlan pastor told the writer, "The mere fact that there is a board and that these women have access to the shows at any time keeps a fairly high standard of film showing." The mayor concurred in this opinion. What the board really amounts to—and this is said not in disparagement but in commendation—is an official body representing the civic sense and community conscience of Harlan and effecting its purposes largely through consultation and co-operation with the theatre proprietors. Its method is such as might be followed by a citizens' committee on recreation.

In communities where the feasibility of co-operation between persons interested in better films and proprietors of movie theatres is doubted the chances are that the experiment has never been thoroughly tried. It should not be forgotten, as a practical consideration, that co-operative arrangements for the improvement of the movies can be made without ignoring the proprietor's financial self-interest. Recognition by the community, or any civic organization in the community, that supply follows demand in respect to the movies as well as other commodities will surely help it solve the motion-picture problem. A citizens' committee might institute Better Motion Picture Nights at the local theatres by getting the exhibitors to prepare special programs and taking an active part in bringing patronage, or it might examine the advance bookings and call public attention to certain days on which unusually good programs were to be shown. Announcements might be made through churches, schools, women's clubs, and so on; a white list of coming programs might be printed and circulated; and perhaps the proprietors could be allowed to use the committee's name in their newspaper advertisements. It would be necessary in this work to

recognize the distinction between good pictures and good programs.

The distinction is important. If an exhibitor were forced by a censorship board or induced by a citizens' committee, official or unofficial, to use only films that bore the approval of the National Board of Review of Motion Pictures, the resultant programs might be suitable for adults but not all of them suitable for children. But the National Committee for Better Films, affiliated with the National Board of Review, prepares and publishes lists of pictures suitable for different kinds of audience:—pictures for children under 12, for children 12 to 16, and for the family group. It also publishes descriptions sufficiently complete to permit the preparation of programs for special occasions, as a patriotic holiday. These lists and descriptions are at the disposal of all applicants and are being widely used by civic organizations in their dealings with commercial proprietors and by churches, schools, settlements, clubs, in planning movie entertainments of their own. The Community Motion Picture Bureau of New York, with branches in other cities, is an exchange recently organized to select programs for schools, churches, clubs, etc., and to furnish the films.

Religious, philanthropic, educational and civic institutions in Kentucky have had difficulty in securing satisfactory films. They have found the selection lists sent them by the regular distributors an uncertain and unsatisfactory guide and have had to pay for pictures which they could not use. In Kentucky there are not many institutions of the kind described that are showing motion pictures, but there are a few—a church or a school here and there, the Y. M. C. A. in several places, and a number of social settlements in the cities and among the mountains. They find the pictures of excellent value in their own work. Moreover, there results a certain amount of high-class competition, which, in sufficient amount, tends to affect commercial movies for the better. In some of the mining camps the Y. M. C. A. is given a monopoly in the conduct of picture shows.

Municipal Legislation

As part of a positive, constructive program of attack on the movie problem, municipal legislation is needed. A motion-picture ordinance should require a license for the premises used for entertainments, the license to be issued only after investigation and on terms making the license an instrument of control; impose standards and prescribe rules as to safety, sanitation and illumination of the theatre, provide definitely for some sort of censorship or method of control of the pictures; and prohibit the attendance of children during school hours and after a certain hour in the evening.

Public Dances

In Louisville some of the dance halls are constantly in operation and licenses are issued for the year. In the numerous other cities visited by the writer, public dances for profit are held more or less regularly by clubs, fraternities or individuals in owned or rented halls, and licenses are customarily issued for each occasion. The issuance of licenses for these dances is in most cities a mere formality; they are usually granted for the asking and a fee fixed by ordinance. In one city the writer's inquiry of the city clerk concerning the dance situation served as a reminder in the following way. The official turned to an assistant and said: "Oh, by the way, George, I saw in the paper this morning that Blank is going to give a dance tonight. Has he got his license yet?" Obtaining a license was apparently a minor matter in arranging for public dances in that city, and could be left till the last minute—or even till next day, as the writer learned from the further conversation between the clerk and his assistant.

Such supervision of dances as there is commonly takes the form of a casual visit from the policeman on the beat; or perhaps he is called in to remove a disturber of the peace. In three Kentucky cities, to the writer's knowledge, it is permitted that a policeman in uniform, either a substitute officer or a regular on the off shift, be employed by the proprietor to keep order while the dancing is in progress. A Commissioner of Public Safety could see no impropriety in this practice. Police supervision does not extend to the character of the dancing, and indeed does not deserve the name of supervision. There is in Kentucky cities a large amount of uncontrolled and unsupervised dancing, much of it carried on under conditions which may be and sometimes are abused.

At some of the dances attended by the writer, improper postures and movements were observed. Objectionable up-to-date styles of dancing like the "shimmy" were in vogue in most halls. Objectionable music made proper dancing more difficult. One place, frequented by dancers from all parts of town, was located within a block of the red-light district. At the majority of places visited, the patrons for the most part were just average young people—working people, workers in factories, stores, offices—seeking a good time, seeking not evil; not ascetic, not bad, only the common run of humanity at the age of youth. Family groups were seen, also unaccompanied girls of 10 to 18 years. Mingling with the crowd, perhaps, were prostitutes and crafty men.

The safest dancing places are the church, the school, the grange, the social center and the home. A large body of influential public opinion in Kentucky is unqualifiedly opposed to dancing and keeps it in places that are out of the sight of people who appreciate its dangers.

"Dancing is as old as humanity itself," says the Dean "as old as tears and laughter, the natural rhythmic human emotion and of the joy of life." "Dancing was of social life," write Hanmer and Perry; "it is now ten an end in itself. By opening the schoolhouses for dancing parties much can be done toward giving dance place in social life." By treating it with respect, dancing respectable; that is, safe and wholesome. People who the writer refers to people in all classes of society—do not because of any consciousness of its badness or of their. The popularity of the new objectionable dances is not individual preference as it is to social psychology—dance hall proprietors follow fads and fashions. Back in the K retains the old square dances still retain their hold. So schools can establish for themselves such dancing fash choose, and where they have done so in Kentucky they lack of patronage. When more of these and similar ins state shall have taken the art and pastime of dancing un they will be able to control to a considerable extent fashions of Kentucky. The teaching of folk dancing i schools and summer playgrounds is helping develop makes cheap and tawdry dances unattractive; folk dancing has great esthetic as well as recreational value.

Community dances are held in school houses in Louisville, Lexington and Paris. The Churchmen's Federation of the Southwestern District of Louisville protested formally to the Louisville Board of Education against allowing the War Camp Community Service to conduct dances in the schools, but the board has not withdrawn its permission. Owensboro has a municipal dance hall but no municipal dances. The large auditorium in the city hall was intended partly as a place for dances under chaperonage, but owing to some mismanagement and to hostile sentiment (commercial dance-hall proprietors and the anti-dance forces were practically on the same side) the experiment was abandoned in its infancy.

In Louisville, on the establishment of Camp Zachary Taylor nearby, civic organization resulted in a police order under which (1) no liquor could be sold in a public dance hall, (2) no boy or girl was allowed to dance who was not 16 years old, (3) no return checks were to be issued any one leaving the hall, (4) no girl could enter a dance hall after 10 o'clock without an escort, (5) no man could enter a dance hall after 11 unless accompanied by a girl, (6) all halls were obliged to close at 11:30, (7) the management was required to pay for a chaperone and floor manager appointed by the supervisor of public dances. The system of supervision and enforcement has altered somewhat, but

at the time this is being written the above rules and regulations remain unchanged. The practice continues of requiring all girls to register on entering a dance hall and to keep a card of identification which must be presented at the registration desk. The whole is an achievement of civic organization in conjunction with political government.

In framing municipal legislation with regard to dance halls, a license for the premises should be exacted and, in the case of occasional balls or dances in a public place, a permit required. Neither should be issuable without previous investigation. The ordinance should prohibit the granting of return checks, forbid the admission of persons under 16 (or 18) after 9 o'clock unless accompanied by parent or guardian, establish a reasonable closing hour, and set up adequate machinery of inspection and supervision. Immoral dancing and moonlight numbers should be forbidden. Minnesota has a state law on the subject of dances and dance halls.

Street Carnivals

Kentucky is infested with traveling carnivals. If there is any difference among the majority of them, it is a difference of degree and not of character. As a class they are a menace to the community—more than a menace, an actual damage, in more ways than one. As a class they represent commercial amusements at their very worst, not merely because of cheapness and vulgarity but because of brazen defiance of civic virtue and moral decency.

A typical carnival—note the quotation marks—is “a grand aggregation of high grade canvas and platform shows.” There are also the gambling stalls. Thirty were counted with a single carnival. The gambling games and devices are many and various; some involve a bit of skill, as in throwing balls at dummies or pitching rings over jackknives, but in general the element of skill is slight or supposititious. The wheels usually are gambling devices in the strictest technical interpretation of the term; no skill whatever is involved and the losers get nothing at all. The losses of a certain Louisville boy have already been mentioned. A man in Maysville is said to have lost \$125 at the gambling stalls of a carnival; a man in Hopkinsville, \$90. These are but instances. The losses of patrons are enormous in the total during the week's stay of a carnival in town and frequently fall in places where they cannot be well afforded. It is one of the heavy indictments against the street carnival that it takes away from the town, and from the people of the town, a large sum of money for which no value has been given in return, but something quite the contrary of value. The gambling concessions are not the only bad feature of the carnival in this regard. In a recent suit for non-support a woman declared that

"Dancing is as old as humanity itself," says the Dean of Manchester, "as old as tears and laughter, the natural rhythmic expression of human emotion and of the joy of life." "Dancing was once a vehicle of social life," write Hanmer and Perry; "it is now tending to become an end in itself. By opening the schoolhouses for neighborhood dancing parties much can be done toward giving dancing its proper place in social life." By treating it with respect, dancing can be made respectable; that is, safe and wholesome. People who like to dance—the writer refers to people in all classes of society—do not like dancing because of any consciousness of its badness or of their own badness. The popularity of the new objectionable dances is not so much due to individual preference as it is to social psychology—dancers and dance-hall proprietors follow fads and fashions. Back in the Kentucky mountains the old square dances still retain their hold. Settlements and schools can establish for themselves such dancing fashions as they choose, and where they have done so in Kentucky they have found no lack of patronage. When more of these and similar institutions in the state shall have taken the art and pastime of dancing unto themselves, they will be able to control to a considerable extent the dancing fashions of Kentucky. The teaching of folk dancing in settlements, schools and summer playgrounds is helping develop a taste that makes cheap and tawdry dances unattractive; folk dancing has great esthetic as well as recreational value.

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her husband was spending all his money on carnival shows and carnival women. Three carnivals had visited the town within a period of a few weeks.

In a carnival dance hall, visited only by men and boys, the writer saw the women of the place solicit partners in the most wanton manner and witnessed dancing that was about as bad as possible. With many carnivals there are side shows in which the chief or sole attraction is posing and dancing by women from whose lexicon the word "shame" has been blotted out. The poses and dances are often suggestive in the extreme and sometimes reach the lowest depths of villainess and obscenity. Whoever enters here knows what to expect if he believes the proprietor's description of his wares; "rich, rare and racy" they prove to be, and otherwise equal to the promise. "The clothes these girls will wear," ran one of the speeches, "could be put in an envelope and sent to San Francisco for a three-cent stamp." The enticing description may not be uttered before the women patrons of the carnival. The following method may be employed. In one of the large tents a showman conducts the men, women and children from exhibit to exhibit, finally announcing: "Women this way, men at that end." At "that end" of the tent a door leads to the dancing exhibition, and in front of the door the proprietor of the show beyond confidentially tell his male hearers all about it. Boys are in the group, boys of 12, 13, 14. On the occasion when the writer observed this method of invitation he did not see any boys of these ages pass through the door; but on other occasions he saw boys no older among the spectators at carnival side shows of the same lewd character.

Some of the carnivals, because of the immorality connected with them, may be fitly described as traveling bawdy houses—unlicensed, unregulated, uncontrolled. Prostitutes who are either attracted to these carnivals or permitted to accompany them leave behind them a trail of physical as well as moral contamination. According to informants in whom the writer has confidence boys 12 to 15 years old in Kentucky cities and towns have contracted venereal disease from carnival women. In a mining camp the writer was told by the camp doctor and the mine superintendent that shortly after the arrival of a carnival last year a large number of men were incapacitated for work because of venereal disease. In another camp the same story. Evidence that carnivals carry immorality and disease around with them throughout Kentucky is plentiful.

Besides the immoral women accompanying carnivals or attracted to the show grounds there are in many cases other disreputables of divers sorts—pickpockets and boot-leggers, for example. The carnival grounds seem to be a natural rendezvous of these folk and the whole motley crew of roughs and rowdies. Once in a while a shoot-

ing affair takes place. The police chiefs of half a dozen cities declared to the writer that they hate to see a carnival coming. Their reasons are plain enough.

The writer learned of young girls who had run away with carnivals, and was credibly informed of an instance in which two young girls who had been riding on the merry-go-round until late at night were approached by one of the men operating the machine and invited to "come along and see the world." How often such things happen the writer cannot say, but from trustworthy sources in several towns and cities of Kentucky reports were received showing that such things do happen, if only now and then. The general character of the average carnival is ample corroboration.

Attendance in the smaller and more remote communities is astonishingly large. People come from far and near. The carnival is a great event in the lives of hundreds whose opportunity for amusement and recreation is otherwise meagre. Whole families attend every night. At one carnival the writer saw a child of five who had been brought by his parents five evenings that week; and twice the trio had stayed till midnight. School superintendents report an increase of truancy when a carnival is in town. At one carnival, in the afternoon, the writer found six boys who were confirmed truants. The carnival, it may be added, is one place where whites and negroes freely mingle.

Carnival advertisements are replete with such phrases as "A Clean Performance," "Nothing to Shock the Most Fastidious," "Nothing the Most Perfect Lady Will Object To," "No Roughs Admitted, Perfect Order Always Maintained," "Bright, Clean, Moral and Up-to-Date Amusements," "Ladies and Children May Attend With the Utmost Propriety." Here seems to be a case of too much protesting. Another sign of self-consciousness on the part of these impeccable carnivals is seen in the fact that managers sometimes go to city officials and ask them to attend a special advance presentation of the dancing features. Whereby the said officials are to be convinced that everything is all right and the carnival entitled to a license.

A number of Kentucky cities have enacted legislation designed to keep carnivals away. Some have raised their license fees to a prohibitive figure, but other cities put them up only as high as the traffic will bear. Lexington and Newport are among the cities that directly prohibit carnivals from showing in the corporate limits. The principal objection to this form of restriction is that the carnival can set up its tents just outside the city limits and beyond the control and supervision of the police authorities. Berea, after placing the license fee at a point that kept carnivals out of the city and finding that they were showing just outside, passed an ordinance providing

—"That any firm, person or corporation who shall advertise, within the corporate limits of the city of Berea, Kentucky, with a parade, band, drum, horn, bell, posters, handbills, public speech or other manner, any show, theatre, play or performance, which is not given within the corporate limits of the city of Berea, shall pay a license fee of \$50 for each performance advertised." For some time no carnival has been shown in Berea or its environs. The ordinance quoted might not hold in court, but its message to carnival managers from the citizens and officials of Berea is unmistakable and is heeded. In some cities in which there are no ordinances directed against carnivals, municipal officials refuse to grant licenses on the ground that public welfare commands a refusal. It is a common practice of carnival managers to effect a business arrangement with some local lodge or club, so that the show is given under the auspices of the lodge, which presumably shares in the profits. Where there is hostility to carnivals on the part of the city government the lodge is frequently able to exert sufficient influence to obtain the necessary license, even after the city council has gone on record as opposed to letting carnivals come into town.

It is doubtful if local efforts can successfully combat the menace and evil of street carnivals. Certainly they have had little effect on the prevalence of the evil through the state as a whole. The carnivals stay in a city, town or village only a short time, and then move on. This moving about is one of their protections. The evil is statewide and perhaps can best be attacked through state legislation. No doubt the existing criminal law of the state applies to the worst offenses of the carnivals against public health, morals and welfare, but the enactment of statutes dealing stringently with immoral dancing and with all forms of gambling is recommended. If the citizens of Kentucky can wage victorious war on the cigarette, they can fight the much more dangerous and harmful carnival to a good finish.

Pool Rooms

Pool and billiards are excellent games for young people, but the commercial pool room is by no means the best place in which they may be played. It is often a very unsuitable place. A state law of Kentucky provides that no minor shall be allowed in a pool room unless the proprietor possesses written authorization from parent or guardian. A boy cannot work in a pool room before he is sixteen, but he can frequent the place, playing and loafing there, if parent or guardian gives consent. The law as to frequenting pool rooms is not well enforced. In many cities and towns the police make little attempt at enforcement except as action may be taken on receipt of complaints in particular cases. They do not ordinarily question the

right of a minor to be playing or loafing in a pool room. Thirty-five boys ranging in age from twelve to sixteen years were seen by the writer in twenty-one pool rooms; the number of boys and youths sixteen to twenty was much larger. It would undoubtedly conduce to better enforcement of the statute if the provision regarding written permission of parent or guardian were stricken out.

Municipal legislation on commercial amusements should include an ordinance dealing with pool rooms and bowling alleys. As in the case of dance halls and picture theatres, a license should be exacted for the premises rather than the operator of the amusement, the license should be revocable, proper regulations as to ventilation and sanitation should be prescribed, and the admission of persons under a specified age should be forbidden.

Suggestions and Recommendations (Summary)

Organized dealing with the problem of commercial amusements is the community's best way, the most efficient and effective. Organized dealing with the general problem of recreation is highly desirable, and, if the best and most complete results are to be obtained, indispensable. A plan and program for safe and sufficient recreation for all the people of the community requires that thought be given to the proper place of regulated commercial amusement in the total recreational scheme toward which the organized effort is directed.

A citizen's committee on recreation, naturally, would deal with the commercial-amusement problem. Among its functions in this regard would be investigation of conditions and study of means and methods of improving conditions. Other functions would be publicity and propaganda. It would seek to understand the problem in all its details and relations and to impart to the community a true conception. It would work for needed ordinances and administrative machinery and for the enforcement of ordinances. It would be vigilant in its watchfulness over amusement proprietors and over municipal officials. But it would co-operate with proprietors and encourage them in good works. It would co-operate also with municipal officials. The committee would see that commercial amusements had to meet high-class competition by promoting parks, playgrounds, and social centers. It would seek thus and in other ways to develop the community taste in recreation and amusement. What is meant by use of the term "citizen's committee on recreation" is that there ought to be in the community some civic body, some organization or sub-organization, especially concerned with the recreational problem, the commercial-amusement problem included. The name and origin of this body are not so important as its functions.

As no Kentucky municipality has careful and comprehensive

legislation on commercial amusements, ordinances should be enacted. In the city government there should be some officer, bureau or department entrusted with the administration and enforcement of all ordinances dealing with commercial amusements. Issuance of licenses should be in the hands of this officer, bureau or department. State legislation directed against the carnival evil is recommended.

III. RECREATIONAL RESOURCES

The recreational problem of a community has to do with existing conditions and their improvement. The improvement of existing conditions may or may not demand the increase, *in toto*, of recreational facilities and activities. Multiplicity is not the goal. It is the recreational life of the community, or ideally, the community life in its recreational aspect, that is important—its invigoration, its reinvigoration; its direction, its redirection. A well balanced recreational life for the community comes pretty near meaning a well balanced recreational life for the members of the community. A city, recreationally, may be overdeveloped on the side of commercial amusements, particularly recreation in its passive forms. A countryside often is deficient in respect of social recreation. But every community—let us assume that it thinks and acts as a self-conscious organized unit—has abundant resources on which to draw for the improvement and development of its recreational life. These resources will be considered after brief attention to certain phases of recreational deficiency.

Some Existing Conditions

"All dressed up and nowhere to go." Such was the plight and complaint of "The Auctioneer" in David Warfield's play. Such is—perhaps not literally and precisely, but nevertheless truly—the situation of many people in Kentucky, young and old, whose natural and wholesome recreational desires are balked by lack of recreational opportunities. Nowhere to go? That depends. Opportunities for recreation are limited by personal preference, and in a sense, by their relative worth from the social standpoint. Sometimes there is a general dearth of recreational facilities and activities in the community. An individual is not sufficient unto his own recreational needs. He cannot supply the means of their satisfaction by his own unaided effort. That is a social function too frequently left to exploitative commercialism.

Commercial enterprise has provided the city people of Kentucky with commercial amusements. What of the country people? Contrary to the common impression that the movies are nowadays found everywhere, there are whole counties in Kentucky in which there is

not a motion-picture machine and hardly ever a motion-picture show. But the movies, in moderation, are good as a factor in rural life. They are diversional, relaxational, horizon-broadening; they break monotony; they take one out of oneself and thus are mentally hygienic; they bring the fun and experience of the world to the country places. North Carolina recently adopted the policy of subsidizing community movies for the country. The legislature, a few years ago, directed the state superintendent of public instruction to provide movie entertainments wherever the people wanted them. County circuits were worked out. A unit consisting of one picture outfit complete, photo-plays, an operator, and everything necessary for one year's service, was found to cost approximately \$3,000. One-third of the expense was shouldered by the state and two-thirds was left to be borne by the county. So far the average cost of a single performance has been about \$12. It is part of the state's plan that the pictures shall take about an hour and a half, and that a half hour shall then be given to holding a community meeting and discussing community problems. The type of man chosen for operator is one who can organize community leagues in the different counties. The working out of the experiment will be watched with interest in other states.

Then there are whole counties in Kentucky entirely without children's playgrounds, equipped or supervised. Farmers often say, "What good are they? Don't the children get enough exercise hoeing corn and driving the cows?" But playgrounds are needed in the country as much as in the city. Curtis says that "play is the life of the spirit, and the farm boy needs play for its social and spiritual values far more than the city boy does."

Especially does he need play in association with his fellows—group play, co-operative play. Charles Otis Gill, a sympathetic and profound student of country life, declares that one of the chief reasons why farmers will not or do not co-operate, is the fact that they did not play together enough when they were young. Associative play educates in the habit of co-operation, it educates too in the art of co-operation. "It is in play," someone has remarked, "that nature reveals her anxious care to discover men to each other." For the gregarious, the social instinct of man requires exercise for its development and this exercise is furnished by children's play. Social recreation among adults also discovers men to each other. In the Scaffold Cane community, in Madison County, the farmers met and mixed in social recreation, got acquainted, became folksy, and finally began co-operative buying of feed and fertilizer.

There is another aspect of this subject of rural recreation. Country life needs development on its recreational side because, as

Theodore Roosevelt declared, "Our civilization rests at bottom on the wholesomeness, the attractiveness and the completeness as well as the prosperity, of life in the country." It is the recreational poverty of country life, rather than lack of economic opportunity, that drives young men and women to the city. They go, not to achieve fame and fortune, but to escape from the social unattractiveness and incompleteness of country life. And many a farmer, endowed with the highest qualities of personal and civic worth, retires from business by the process of turning over his acres to a tenant and emigrating to town; partly for greater ease and more enjoyment in his own remaining years, and partly for the sake of his children. And under the system of tenancy and absentee landlordism, the rural community deteriorates both economically and socially—less community interest, less money for community purposes, less hope of community progress.

In the Kentucky town or village of a few hundred inhabitants, existing conditions as to the adequacy and wholesomeness of recreational life call for serious thought. Here, for instance, is one little town where lawlessness and hoodlumism among the boys explain the broken windows that one sees in house after house. The windows of the school buildings are protected by heavy wire screens. A resident declared, "The boys have nothing else to do but break windows." And over here is a little town where no church is found; for according to a resident, "there are so many denominations here, all fighting one another, that we can't have a church." A woman complained, "I hain't heered a kind word since I been here, I hain't seed a church house, and I hain't seed or heered of a preacher." The social and recreational poverty of a third little town drove a young teacher to a city position paying \$5.00 less per week. "I just couldn't stand the deadness of that place any longer," she said.

Where commercial amusements have reached the little town, they thrive largely on the recreation hunger of the country people roundabout. (This is true also of large cities—New York for example.) In a small Kentucky city where there are two motion picture houses side by side, it is no uncommon thing of an evening to see scores of automobiles lined up in front, their owners, who are farmers from a distance perhaps of eight or ten miles, having gone in with their families to see the show. Or it is the public dance or the street carnival that draws country people into the town or city, on foot, on horseback, by carriage or automobile. This is their social and recreational welcome to the town—commercial amusements. Though the town and the surrounding country are logically one community, their dealings are for the most part confined to buying and selling in the market place and at the ticket windows of commercial amusements. It is a business relation. A closer social relation, a closer

recreational relation, is desirable. When, somehow, perhaps by the aid of social recreation, the town-and-country community shall discover or re-discover itself and organize it will proceed to the study and solution of the problem that confronts it as a town-and-country community—what is called at the University of Wisconsin a rural community. The rural philosophy, as applied to recreation, must not be taken to mean a denial of the right and duty of country people to minister in an organized way to their own recreational needs.*

Popular Resources

The recreational resources of a community do not consist wholly of parks, playgrounds, theaters, school houses, material things, externals; they consist in part of the customs and traditions, the lore and the culture, of the people. The resources that reside in the people themselves, considered as individuals, can be deepened and extended by the public school, the church and other cultural agencies; that is to say, recreational taste and appreciation can be cultivated and recreational capacity increased. Then there are resources that reside in the people themselves considered in groups; there are "lost arts," forgotten or half-forgotten forms, of community recreation. Many can be restored or revived, or equivalent forms can be developed out of community history and tradition, and out of human nature.

Old-fashioned spelling bees have pretty nearly gone out. Quilting parties are still held in parts of Warren County and in some of the eastern counties. Court Day, all over Kentucky, is an occasion that brings together on the opening day of county court a great crowd of people. It takes the place of the Muster Day of former years. In Western Kentucky the Court Day in April is also Tater Day. In Marshall County, which is noted for raising sweet potatoes of surpassing quality, people who have seed sweet potatoes to sell and people who want to buy potatoes to bed down, come together in Benton. Even from neighboring states people come, and sometimes there is a gathering of several thousand on Tater Day. Court Day in Webster County is sometimes called "Jockey Day." The streets of the county seat are filled with farmers, buying, selling and swapping

*Enterprises that tend to bring townfolk and country people closer together on a basis of acquaintance, understanding, friendship and good will are not lacking in Kentucky. The so-called "rural chautauquas" promoted by the State Development Committee of the Louisville Board of Trade have proved a help in this direction. In Owensboro there is a Commercial Club made up of business and professional men of the city and farmers of Daviess County. Bankers and merchants of the county seats act as hosts to the boys and girls of the agricultural clubs, arranging automobile tours and providing amusement programs. The Women's Club of Franklin has established a rest room for farmers' wives when they come to town, the county home demonstration agent having an office in connection. A similar enterprise has been undertaken at Hartford.

"Dancing is as old as humanity itself," says the Dean of Manchester, "as old as tears and laughter, the natural rhythmic expression of human emotion and of the joy of life." "Dancing was once a vehicle of social life," write Hanmer and Perry; "it is now tending to become an end in itself. By opening the schoolhouses for neighborhood dancing parties much can be done toward giving dancing its proper place in social life." By treating it with respect, dancing can be made respectable; that is, safe and wholesome. People who like to dance—the writer refers to people in all classes of society—do not like dancing because of any consciousness of its badness or of their own badness. The popularity of the new objectionable dances is not so much due to individual preference as it is to social psychology—dancers and dance-hall proprietors follow fads and fashions. Back in the Kentucky mountains the old square dances still retain their hold. Settlements and schools can establish for themselves such dancing fashions as they choose, and where they have done so in Kentucky they have found no lack of patronage. When more of these and similar institutions in the state shall have taken the art and pastime of dancing unto themselves, they will be able to control to a considerable extent the dancing fashions of Kentucky. The teaching of folk dancing in settlements, schools and summer playgrounds is helping develop a taste that makes cheap and tawdry dances unattractive; folk dancing has great esthetic as well as recreational value.

Community dances are held in school houses in Louisville, Lexington and Paris. The Churchmen's Federation of the Southwestern District of Louisville protested formally to the Louisville Board of Education against allowing the War Camp Community Service to conduct dances in the schools, but the board has not withdrawn its permission. Owensboro has a municipal dance hall but no municipal dances. The large auditorium in the city hall was intended partly as a place for dances under chaperonage, but owing to some mismanagement and to hostile sentiment (commercial dance-hall proprietors and the anti-dance forces were practically on the same side) the experiment was abandoned in its infancy.

In Louisville, on the establishment of Camp Zachary Taylor nearby, civic organization resulted in a police order under which (1) no liquor could be sold in a public dance hall, (2) no boy or girl was allowed to dance who was not 16 years old, (3) no return checks were to be issued any one leaving the hall, (4) no girl could enter a dance hall after 10 o'clock without an escort, (5) no man could enter a dance hall after 11 unless accompanied by a girl, (6) all halls were obliged to close at 11:30, (7) the management was required to pay for a chaperone and floor manager appointed by the supervisor of public dances. The system of supervision and enforcement has altered somewhat, but

at the time this is being written the above rules and regulations remain unchanged. The practice continues of requiring all girls to register on entering a dance hall and to keep a card of identification which must be presented at the registration desk. The whole is an achievement of civic organization in conjunction with political government.

In framing municipal legislation with regard to dance halls, a license for the premises should be exacted and, in the case of occasional balls or dances in a public place, a permit required. Neither should be issuable without previous investigation. The ordinance should prohibit the granting of return checks, forbid the admission of persons under 16 (or 18) after 9 o'clock unless accompanied by parent or guardian, establish a reasonable closing hour, and set up adequate machinery of inspection and supervision. Immoral dancing and moonlight numbers should be forbidden. Minnesota has a state law on the subject of dances and dance halls.

Street Carnivals

Kentucky is infested with traveling carnivals. If there is any difference among the majority of them, it is a difference of degree and not of character. As a class they are a menace to the community—more than a menace, an actual damage, in more ways than one. As a class they represent commercial amusements at their very worst, not merely because of cheapness and vulgarity but because of brazen defiance of civic virtue and moral decency.

A typical carnival—note the quotation marks—is “a grand aggregation of high grade canvas and platform shows.” There are also the gambling stalls. Thirty were counted with a single carnival. The gambling games and devices are many and various; some involve a bit of skill, as in throwing balls at dummies or pitching rings over jackknives, but in general the element of skill is slight or supposititious. The wheels usually are gambling devices in the strictest technical interpretation of the term; no skill whatever is involved and the losers get nothing at all. The losses of a certain Louisville boy have already been mentioned. A man in Maysville is said to have lost \$125 at the gambling stalls of a carnival; a man in Hopkinsville, \$90. These are but instances. The losses of patrons are enormous in the total during the week's stay of a carnival in town and frequently fall in places where they cannot be well afforded. It is one of the heavy indictments against the street carnival that it takes away from the town, and from the people of the town, a large sum of money for which no value has been given in return, but something quite the contrary of value. The gambling concessions are not the only bad feature of the carnival in this regard. In a recent suit for non-support a woman declared that

Individual Leaders

Recreation in Kentucky, especially rural recreation, lacks leadership. Somebody in the country community must say things, do things, start things, somebody with vision and initiative, somebody who conceives of recreation as a good in itself and as a moral and civic force. The clergymen as a rule are ill qualified for such leadership. The educated ministers have not been trained for rural or recreational service and the uneducated preach against chess, checkers, baseball, the piano and the "devil's music box." In one south-central county there are only two communities in which there are resident pastors, while in a western county not a single church has a pastor on more than one-quarter time. Under these conditions little is to be expected of ministers in the way of community leadership. The rural teachers, generally speaking, are not trained for or inclined toward rural community work, and do not give recreational matters much thought. "Ninety-nine per cent. of the graduates of this institution," says a professor in one of the state normal schools, "want city jobs as soon as they can get them. They do not want to go to the country." Better paid and a larger number of qualified ministers and teachers in country communities would be a great advantage to rural recreation. In both city and country, however, there is actual or potential recreational leadership in every Kentucky community, and indeed in most cases the results so far accomplished are primarily due to individuals, working, perhaps, through civic organizations.

Civic Organizations

Examples of civic organizations that initiate, promote, support or conduct recreational work in Kentucky communities are the Civic League of Lexington, the Welfare League of Louisville, and the Commercial Club of Owensboro and Daviess County. Parent-Teacher Associations, Community School Improvement Leagues, Community Clubs (described in the report on *Rural Life*), Women's Clubs, Rotary Clubs, the Y. M. C. A., the Y. W. C. A., the Knights of Columbus, and the Red Cross, not to extend the list, should be mentioned. Local Councils of National Defense carried on recreational work in wartime; it will be regrettable on many accounts if these organizations entirely break up and leave no successors to carry on.

Municipal Governments

Parks and playgrounds are municipal contributions to recreation. Louisville has lately appropriated a large sum for municipal music in the parks. Politics sometimes interferes with the recreational service that ought to be expected from municipal governments. Provision of evening social centers might well be a part of that service.

Corporations

Welfare work on a large scale, with recreational features, is conducted by corporations in some of the mining camps of eastern Kentucky. In one of these camps it was found that the families of the ordinary laborers do not share in the recreational activities that are promoted, beyond going occasionally to the movies. They do not feel at home at the dances, which are attended mostly by the higher-paid and better-dressed classes of the camp population.

Chautauquas

Through the medium of the chautauquas amusement and instruction are brought to thousands of Kentucky people every year. Some of these chautauquas make a specialty of play and recreation propaganda. Some have story-tellers and play directors to amuse and instruct the children. Many of the chautauquas that visit Kentucky communities furnish programs of inferior or mediocre quality, and in many cases the business management is poor. An interesting and valuable piece of work done in Kentucky this summer was the conduct of "rural chautauquas" by a co-operative committee representing the Kentucky Bankers' Association, the Louisville Board of Trade, the University of Kentucky, various departments of the state government, and a number of other agencies. Community development on both its social and its economic side was the central theme of the three days' program, which included entertainment and brought people together in a sociable way. The plan was the outgrowth of an idea that had been put into effect on a county scale in Warren County ten years before and which had been adopted in several other counties.

Public Libraries

In Kentucky there are about 60 cities and towns with public libraries. These are educational institutions but for several reasons cannot be excluded from a list of recreational resources. The branch libraries of Louisville are meeting places for various organizations of the neighborhood, including Boy Scouts and Camp Fire Girls. Some of the buildings contain basement playrooms and have playgrounds on the premises. Story-telling at the main and branch libraries is part of the work of the Children's Department. Public libraries, by their service to good reading, render a service to good recreation. Books bear a direct relation to the pleasurable and profitable use of leisure time. The State Library Commission sends books to the remotest hamlet where books are wanted. In connection with the subject of libraries it may be interesting to refer to Professor Patrick's conception of play as given in his "Psychology of Relaxation." "The term 'play,'" he says, "may be applied to all those human activities

which are free and spontaneous and which are pursued for their own sake alone. They are self-developing... Play will thus include... the enjoyment of music, painting, poetry, and other arts; the daily paper, the magazine, the short story, and the novel."

Social Settlements

Social settlements are found in Kentucky not only in cities but in mountain communities. Neighborhood House in Louisville has a playground, a playroom, and a gymnasium; and among its numerous social and recreational activities are community dances, folk-dancing classes, picture shows and outing parties.

Churches and Sunday Schools

Congregational singing is recreation. Church and Sunday school picnics are held in almost every Kentucky community. A Berea Sunday school has a playground. At Harlan there is an "institutional church," with a gymnasium, a game room and a reading room in the church building. Of the 213 Boy Scout troops in Kentucky 73 are connected with churches. Of the 202 scout masters, 48 are clergymen.

The Y. M. C. A.

There are 27 Y. M. C. A. buildings in Kentucky. Organized recreational work is done at 36 points. Twelve associations have regularly organized boys' departments, with a membership of 2,183. The district secretaries are active in promoting play and recreation among young people and adults, much emphasis being placed on community recreation. There is an interesting development in rural recreation in Woodford County, where the County Y. M. C. A., with headquarters at Versailles, is carrying the playground gospel into practical effect. Versailles has a playground with an attendance of over 100 a day. The equipment is almost entirely of home-made construction and cost about \$75. It consists of two croquet sets, two swings, three seesaws, a shoot-the-chutes, a chinning bar, a tennis court, a basketball court and a volley ball court. It is planned to duplicate this equipment in several places in the county. The general program includes the presentation of plays this winter by the children of rural schools. It is planned next summer to have Community Play Days in which adults will participate.

The Y. W. C. A.

The Y. W. C. A. work is not so extensively organized in Kentucky as that of the Y. M. C. A. In both Louisville and Lexington it carries on a large amount of recreational work. The Louisville Association

has a summer camp for colored girls, which is, so far as the writer knows, the only one in the country conducted by a Y. W. C. A.

Boy Scouts

There are 4,402 Boy Scouts in Kentucky, 1,737 of them "under council." The number of troops is 78 "under council" and 137 not "under council." In 1918 the proportion of Scouts to total population was one in 520, Kentucky ranking 41st in the list of states. The county agricultural agent of Hart County has organized troops of Farm Scouts.

Girl Scouts and Camp Fire Girls

The 35 Girl Scout troops have a membership of 519. There are 23 Camp Fires, with a total membership of 322.

Agricultural Clubs

The boys' and girls' clubs under the auspices of the state agricultural extension service are a potent factor in enriching the social life of the members. The meetings at the local school house and at the county seat build acquaintance and friendship. The club life, so to describe it, involves play as well as work, and there is entertainment as well as instruction. Ten thousand Kentucky boys and girls are members of the agricultural clubs.

*The Schools**

Kentucky ranks second to Virginia in development of the county school fair, which is directed by the county superintendent of schools. Sometimes the school fair is held independently of the county agricultural fair. The school fair of Laurel County is one of the best. Two days are given over to lectures, exhibits of school and agricultural-club work, poultry show, athletic games and contests, band concerts, a grand parade, and so on. Eight thousand people attended the fair in 1917. There were 7,000 school children in the county and 5,000 of them came to the fair. Local fairs are held at each school in the county prior to the county fair. The possibilities of the county school fair have not been exhausted anywhere. The customary parade might easily be developed into a pageant. Along the line of games and play lies the greatest opportunity, as the fair might serve to introduce into the schools all over the county the games that are most suitable for school use and for the country community.

The schoolhouses are in disuse too much of the time. Their use for occasional meetings and entertainments does not make

*See also Section II on "Play and Playgrounds."

them real social centers. In some cities and in some counties the schoolhouses are never used for meetings or entertainments. Social-center activities of considerable scope are conducted in a few schools, notably the Lincoln school in Lexington and the Prentice school in Louisville. Kentucky school boards do not financially support social-center work in the schools. The practice is to charge for heat, light and janitor service. The boards of Louisville and Lexington have adopted the policy of planning all new buildings with reference to social-center work.

The rural school at Scaffold Cane (this has a teacherage and an all-year resident teacher) is a social center in the fullest sense—it is the center of community life. Sound though the argument for consolidated schools is, the one-room schools will long remain numerous in rural Kentucky; and the argument for developing these as social centers is also sound. The teacher in the one-room school has the biggest opportunity and potentially the biggest job in Kentucky teacherdom. To vision should be added training.

The State Department of Education

Kentucky communities should be able to look to the State Department of Education for guidance and assistance in recreational work, particularly recreational work for children in connection with the schools. Indeed, the state department should assume leadership and take initiative along many recreational lines. It is no criticism of its present personnel to say that the department does not function recreationally to any large extent.

The State University

The State University belongs to the people of Kentucky, and service to the people of Kentucky is its aim and purpose. A Department of University Extension was created this summer, and definite plans for this department are being formulated regarding development of community centers and wider use of the school plant. The newly organized Department of Art and Music will participate in the community work of the University. Considerable attention will be given to community music and drama. The College of Agriculture deserves a share of credit for excellent work done along social and recreational lines by some of the county agents.

General Discussion

This section (on "Recreational Resources") began with pointing out the fact of recreational deficiency in many communities. Ample recreation is a desideratum; but ample, safe, wholesome recreation is not the whole of the problem. Recreation should be native, locality-



expressive as well as self-expressive, rather than exotic or artificial; hence attention was called to "Popular Resources." Under the head of "Instrumental Resources" mention was made of some of the agencies at work in the recreational field. The problem resolves itself largely into a problem of utilization of resources, popular and instrumental. This means civic or, better, community organization, but not the displacement of existing agencies. The object, of course, is co-ordination and co-operation.

The home, perhaps, should have been included in the list of instrumental resources. The home ought to be the "social center" of the family. Among the social-center activities of the family there should be many of a recreational character. Recreational features of home life not only afford enjoyment but help develop home loyalty and family solidarity, especially when all members of the group participate. They also keep children off the streets and away from questionable amusements down-town. As an "evening social center" for children (let the neighbors' children come in) the home in city or country can be a recreational institution of great value. It is not in the state of Kentucky alone that home attractions have failed to compete successfully with outside social and recreational attractions, including the attraction of commercial amusements. A community, in reckoning up its resources and planning for their utilization in a community program, should not forget the home as a place of amusement and recreation.

The State Education Department and the State University, listed among recreational resources, must each be regarded from two stand-points. They should be prepared to respond in a variety of ways to the corresponding variety of calls that the local community may make upon them in trying to solve its own recreational problem. They should also be qualified, equipped, and organized to give stimulus to local communities and assume leadership in the recreational movement. They are properly concerned with recreation not merely because recreation is educational, but because they are strategically situated for doing the statewide educational work that makes statewide recreational progress possible. How divide recreational service between them? Let the state university specialize in community organization and in community music and drama. Let the State University and the State Department of Education co-operate in developing wider use of the school plant. Let the Department of Education concern itself energetically with children's play and recreation. There is plenty of recreational work for both institutions to do.

IV. RECREATIONAL ADVANCEMENT

The recreational problem of Kentucky, the problem of advancement in recreation and of advancement through recreation, presents

a splendid opportunity to a great people. It should be taken up not merely as a task and duty, but also as an opportunity. By what means, methods, processes shall the objective be attained? Partly by having an objective; that is, a well thought-out ideal of recreational life, safe, wholesome, rich, for all the people. To seek this objective is almost to find the way. But a program of procedure? Let it be a natural program, fitted to Kentucky circumstances and built upon Kentucky facts. Such a program must be formulated with reference to (a) the utilization of recreational resources and (b) the removal or conquest of obstacles to recreational advancement.

These obstacles—what are they? Some of them may be described as obstacles of attitude. There is the puritanism that looks on play, whether that of children or that of adults, as frivolous, almost sacrilegious; and then there is the conservatism that regards playgrounds and other recreation centers coldly because they are "new." These obstacles of attitude are due, of course, to lack of appreciation of the individual and social values of supervised play and organized recreation. Means of overcoming them are publicity, propaganda and, above all, demonstration work (actual recreational work) whereby innovations in time become old and familiar and respected and prized. Not to enumerate all the other obstacles, mention may be made of the money question. This has to do, first, with the economic condition of the people; second, with methods of taxation and the allocation of public funds; third, with the unwillingness of school boards and taxpayers to spend money for public recreation; and fourth, with legal disabilities, real or imaginary. The first and second topics will not be discussed here. The unwillingness of officials and taxpayers to spend money for recreation comes under the head of "obstacles of attitude." Legal disabilities will be removed by the passage of a recreation act such as has been already outlined in this report.

The program of advancement must take into account and employ three group divisions of population—the local community, the county, and the state—each of which must be considered from the standpoint of (a) the relation of civic organization to the recreational problem and (b) the relation of political government to the recreational problem. Among the aims sought should be equality of recreational opportunity. The smaller children should have as fair a show as the older children, the girls as fair a show as the boys, the poor as fair as the rich, the country folks as fair as the city folks.

The Local Community

The recreational problem comes closest home to the local community. It is primarily a local-community problem. A community has many interests and may organize itself to serve them all. A

community organization may embrace an entire city, may follow the "social unit" plan, may be on the rural or town-and-country basis, may comprise a village population, or may be developed in the open country. In any case, a community organization implies a community program, and a community program implies a recreational program. Often it is through recreational activities that organization of the community is engineered and accomplished, often through recreational activities that community consciousness and spirit is aroused. The organized community naturally seeks a home, a community house (it may be the schoolhouse or the grange hall), a headquarters and hearthstone, a meeting place not for business alone but for common recreation and sociable intercourse. The community organization will have a committee on recreation. One of the first things for this committee to do will be to make a recreational survey, which may be part of a comprehensive social survey of the community. The recreation committee will proceed to formulate and carry out a long-term program. It will not attempt, however, to supplant existing agencies in the recreational field, for these will be represented in its membership and the program will be their own plan for concert of action and division of labor.

Should the community as a whole fail to organize itself for all community purposes, there will be no less need for a committee on recreation or some other body of citizens that will address itself to the local recreational problem. What its functions should be in general and may be in particular are best indicated, perhaps, by citing the definite objects of two or three existing organizations of this kind. The Recreational League of Springfield, Ill., promotes—"Social centers, the wider use of the school plant; parks, many of them, and where they are most needed; playgrounds, well equipped and sufficient; well ordered and safe dance halls; athletics for all the boys and girls; artistic recreation places; popular-priced concerts for all the people; municipal bathing beaches; summer camps for working boys; athletics for young men." The Community Recreation Association of Cambridge, Mass., has for its avowed objects: "To provide recreation and physical development, the year round, for adults as well as for children; to provide community centers where people of all ages may meet for social and educational purposes; to provide our foreign-born citizens with opportunities for Americanization in the best and widest sense of the term; to co-ordinate all these activities under the control of a municipal recreation commission with an expert organizer in charge of the work." In Louisville there has been formed "a Community Council, which is a clearing house for the efforts and plans of all the agencies in any way concerned in the public welfare. The Recreation Committee of the Council will take up the question of

supervision of commercialized recreation; the social use of the school and the church plant; the development of parks and playgrounds; the promotion of community forums and community singing; and all other matters connected with the leisure time of the people." Rural communities, of course, should develop their own programs of recreation without thought of imitating the cities.

The County and the State

How may the county figure? This question has been partially answered by several references to actual recreational work on a county scale or basis. The county agricultural agents are influencing country life on its social and recreational side as well as on its purely economic side. (See report on *Rural Life*.) The Community Clubs which they have organized among farmers are federated loosely on a county basis. The county looms large in the school system of Kentucky, and on this account will loom large in the record of recreational progress. Some of the county superintendents and county boards have already made contributions to this record. In the report on *Education* (see elsewhere, this volume) the appointment of a school supervisor in each county is recommended; among his duties should be assistance to the teachers in developing the recreational life of the schools and surrounding communities. At the county court house the county agricultural agent and the county school superintendent have their offices and it is suggested that the new buildings be planned to serve as county social centers and old buildings be remodelled for that purpose if possible. County social and recreational gatherings already include the school fairs and the meetings of the boys' and girls' agricultural clubs. County play festivals for young and old are yet to come.

And finally, how does the state come in? Certain legislation that is needed at Frankfort has been recommended in the section on "Play and Playgrounds" and in that on "Commercial Amusements." A statewide civic agency to act as a clearing house of information on recreational matters and promote otherwise the cause of recreational advancement would be invaluable, and it seems likely that the Co-operative Council of Kentucky, through a special department of recreation in which existing agencies will be federated and their activities co-ordinated, will perform that function. The principal public agencies available for statewide service in the recreational advancement of Kentucky are the Department of Education and the State University. The former must be emancipated. The latter is launching forth upon a great adventure in helping communities discover and enjoy themselves. Communities that do this are the least likely to be unmindful or neglectful of children's rights in the matter of recreation.

RURAL LIFE

CHARLES E. GIBBONS

Kentucky is distinctly a rural state. Agriculture is today, as it always has been, her chief industry, and over one-half of her workers are directly dependent upon it for a living. Four-fifths of her children are growing up on farms or in communities classed as rural by the census. If numbers count, child welfare in Kentucky is primarily a problem of the country child.

Yet the city child has thus far been the chief interest of both public and private effort. The child labor law forbids practically all forms of gainful employment to the city child under 14 years of age and limits the hours of work for children under 16 years; but the country boy may work on the farm from four in the morning until eight at night, irrespective of the effect upon his health and strength. He may legally leave school at 12 years, although his need for further training may be far greater than that of the city child who is required to study for two more years. The compulsory education law is rarely enforced in the country even for the short term of the rural school. There is an excellent juvenile court law but only the cities may have detention homes or probation officers. One-fifth of the children are getting nine-tenths of the state's attention.

As a matter of fact, the organized welfare forces in Kentucky are only just beginning to see that there is a social problem concerning the children whose parents till the fields. Who has set forth in terms of citizenship the meagre achievements of the poorly taught, poorly attended country school? Who has told of the monotony and absence of wholesome recreation in many farm homes? Who has pictured the lack of modern conveniences and even of the simplest provisions for sanitation? Does Kentucky realize how rapidly farm tenancy is on the increase within her borders? Does the state really know under what conditions, economic and social, four-fifths of her children are being prepared for citizenship?

Before entering upon a discussion of conditions we shall set up a standard of living by which we can measure the average American rural community; and it is believed that the following should be the minimum requirements:

First: A large majority of the farmers should be land owners. The system should be so organized that tenants can enter the land-owning class, and day laborers become tenants.

Second: The system of farming should increase the fertility of the lands. In the main this will be accomplished by rotation of crops and intelligent use of fertilizers.

Third: There should be a vitalized rural school. The length of the term, the courses of study, the training of the teachers, the equipment of the plant and the requirements for attendance should all be adapted to the needs of the rural child.

Fourth: Communication should be established by a system of good roads.

Fifth: Labor-saving devices should be used to lighten the burdens of the family. Children should be relieved of all heavy, exhausting or prolonged work. Farm work should never be permitted to interfere with attendance at school.

Sixth: Rural children should have some sort of health supervision. This can probably be best handled through the school and should include at least one physical examination annually.

Seventh: Every rural home should have at least the simplest sanitary arrangements and conveniences.

Eighth: Means of recreation suited to the needs of children and adults should be provided.

Ninth: Every locality should have some form of community center to promote social intercourse.

SOCIAL AND ECONOMIC CONDITIONS

With the foregoing standards in mind, let us consider what the conditions are in Kentucky. Geographically the state falls into three main divisions, Mountain, Blue Grass and Western.

Mountain

This section consists of some 34 counties comprising about three-eighths of the total area of the state. It is, as the name implies, mountainous, and consequently, for the most part, too rough and steep for a high development of agriculture. The coves and hollows are fertile and it is chiefly from these that the people have made their living; formerly they supplemented their income from the farm by cutting timber, which was sold for a mere trifle. It is said that farmers often gave their timber away so as to be hired to cut it. Much of the timber land has been cut over but there are still large tracts of the finest hardwoods, especially away from the railroads.

Within the last two decades, due largely to the activity of coal-mining interests, the number of people in this section has increased much more rapidly than in either of the other sections, but still less than a fourth of the state's population is found in this area.

The mountaineers are an isolated people. They have lived here long enough to have their own traditions. They are individualistic, have mixed with the outside world but little, and the outside world has bothered them less. Practically all are native born of native parents.

They seldom leave the mountains and are little concerned with affairs outside their own immediate neighborhood.

The children have had but a slender chance for schooling. The schoolhouses are far apart and oftentimes so poorly constructed as not to afford adequate protection during inclement weather. In the rainy season many of the roads are impassable and children are thereby kept from school.

Attendance has never been looked upon as a matter for compulsion. A large percentage of the parents are illiterate and consequently incapable of appreciating their children's educational needs, but they must not be too severely criticized, for there has been neither educational leadership nor sentiment for the public school system. Many parents, and their number is increasing, send their children away to the privately supported mountain schools at no small cost and sacrifice to themselves. The indifference of others is largely due to the absence of educational opportunity, but its effect on child life is no less disastrous.

There are practically no good roads, and eight of the counties have no railroads. In one county seat, away from the railroad, the writer was told there never had been an automobile thereabouts, and from the appearance of the roads it will be a long time before people will see one. They usually travel by horseback or on foot, more often the latter.

There are no classes among the mountaineers. They have been independent, and as one man said, "We ain't asked nuthin' from no one." Whatever sorrow and suffering have come as a result of their poverty they have borne in patience, living their isolated lives as best they could.

These people work hard and spend much of their time during the busy season in the fields. Since practically all of the work must be done by hand, the services of the entire family are needed to eke out a bare existence. Frequently it is necessary for the father to go to the mines in order to supply the necessities that must be paid for in cash. However, he usually helps to put the crop in. In the early spring the children are found in the fields helping to prepare the ground for planting. Because of the ineffective cultivation during the previous year, shrubs and bushes have grown up so that much of the ground must be cleared annually before it can be planted; children are used for this and in picking up and burning roots and other trash. The ground is usually broken with one- or two-horse plows, although there are places where it is too steep to use horses. Shortly after the corn, beans, and potatoes have been planted, the work of cultivating starts. Modern cultivators cannot be extensively used, so it must be done by hand. Every child big enough to wield a hoe or pull weeds is pressed

into service. The hoe, however, is not as effective as a good plow in keeping down the weeds and affording the proper kind of cultivation for the growing crop, consequently more time and energy must be spent upon it, until it is ready to lay by in July. After one cultivating season is over there is a period of from six weeks to two months, when the children are more or less idle. As soon as the crops are ripe, beginning usually about September 1, the tedious process of gathering begins. The length of time required for this, of course, depends upon the size of the crop and the amount of labor the family can furnish. In the main the work is finished by late fall and there is nothing much that children can do until the next planting season. Farm work especially in the early spring and late fall does interfere with the children's school work.

During the planting, cultivating, and harvesting seasons, the work is hard, the hours long, and undoubtedly many children do work beyond their strength, yet the busy season is always followed by a slack season in which there is comparatively little to do. In some instances, no doubt, their health is affected by their labor, yet the possibility of permanent injury is not so great where the work is not continuous throughout the entire year. A far more serious factor is the poor and ill-balanced food they have to eat. Mothers have had practically no instruction in the preparation of foods. Many farms have no cows, so that milk and butter are not available. Considerable fruit is raised, but for the most part the women do not know how to preserve or can it. Grocers report a tremendous increase in the use of canned goods, particularly during the season when fresh vegetables cannot be gotten from the gardens.

Another factor that hinders the development of normal child life is the lack of recreational opportunities, especially for the younger children. Those above 16 years of age do not fare so badly for they can and do go to dances, "sings," parties, etc., and frequently they have baseball games or pitch horseshoes; but for the younger children there are no toys, no circus, no movies, nothing. Families living near small towns break their monotonous life by occasional visits to a carnival; and it is pathetic to see these recreationally starved people trying to enjoy the gambling devices and low order of amusements there offered.

Their houses are of the traditional mountain type, usually built of logs. Many have been weather-boarded and so present a fairly good outward appearance, but within comforts and conveniences are few. Most of the wells are open and unprotected, and the water is drawn in the traditional bucket, not always, however, of oak. A great many people use the water of springs or creeks. With the ever-increasing number of people living in this section, the water of the streams, wells,

and springs is becoming more and more polluted. This is undoubtedly an important factor in the marked increase of typhoid fever. Hookworm and smallpox are prevalent in this section.

However bad the conditions of housing, health, education and poverty may have been for the mountaineer in the past as a farmer, his condition is rapidly becoming worse. The cause is the development of the mining industry. A large portion, in fact the greater part of this section is underlaid with valuable coal deposits and enormous areas have been bought up by coal development companies which in a great many instances, for a small sum, lease the land to the very people from whom they bought it. The land has been purchased within the last few years at from \$1.00 to \$10 per acre, the prevailing price being \$5.00 per acre. The people were ignorant of the value of it and the opportunity to get a little ready cash caused them to part with it. The land had often been in the family name for two, three and even four generations. Most of them realize their mistakes now, but there is no chance to buy it back. They haven't the money to pay for it. While the annual rental is not excessive, nevertheless it is a burden, for the land yields but a small return for their hard and exhausting labor and there is no other way of supplementing the meagre income except by going away to work.

All with whom the writer talked said they were not permitted to cut down trees with which to build fences nor to clear any new land to take the place of that worn out.

During the last two decades, particularly in the last two years, there has been a marked increase in the property valuation per capita. This is evidenced by the fact that several of these counties have ceased to be called pauper counties. The development of the mining industry has naturally increased the value of the land, especially that lying along or near the railroads, but in this rapid transition, this greatly increased wealth has not fallen to the original owners of the mountain country—on the contrary they have lost what they had and have practically become homeless. One woman summed up the situation when she said, "We hain't got no good schools, we hain't got no homes, nor no place to go, and God only knows what's gwine to 'come of us."

Living conditions in the mining camps are much worse than in the open country. Especially is this true in respect to housing, contamination of water supply, and lack of suitable sewage disposal. The men usually work in the camps from two to four weeks and then return home for a short visit with their families. Because of the comparatively recent development of the mining industry, no great numbers have as yet moved to the camps.

The mountaineer, in spite of his unfortunate condition, nevertheless developed certain splendid characteristics, but changing conditions threaten the loss of these fine traits, unless the state becomes more interested in him in the mining camp than it has been in him in his little mountain home.

The Blue Grass

There are thirty-eight counties in this section lying immediately west of the mountains, comprising about one-quarter of the state's area, and having about two-fifths of the state's population. A few counties along the Ohio river and on the western side are not, strictly speaking, Blue Grass counties, but for the sake of convenience are grouped in this class.

From an agricultural point of view this is the most important part of the state. The land is very fertile and well adapted to the raising of such important crops as corn, wheat, hay and tobacco. Approximately two-fifths of all the tobacco raised in the state is grown in this section. The Blue Grass is known far and wide for its fine herds of thoroughbred stock; and as the land is well adapted to grazing the growing of stock for the markets is an important industry.

Most of the large cities are found in this area. At the last census period all these showed an increase in population, whereas over half the counties showed an actual decrease. This is said to be due to the fact that a great amount of land has been bought up, on which to raise blooded stock, especially race horses.

In those counties which are not in the Blue Grass proper, the farmers are engaged in general farming. Not much tobacco is raised. There are many tenants here—more than there ought to be for healthy rural development—but the tenants have greater freedom in that they are not so closely supervised by or dependent upon the landlords, so that if they are thrifty and desire to get ahead, they have a better chance than the tobacco tenants. Between the small land owners and the tenants in these counties the gulf is not so wide as in the Blue Grass proper.

In the early spring children are required to help prepare the soil for planting, and later to help get the crops in. Boys as young as 12 twelve years of age were seen plowing with two-horse breaking plows—extremely hard and heavy work. Other children were seen operating the harrow and the roller, which is not so hard and exhausting as plowing, but much more dangerous. Shortly after the planting is done, the corn is ready for cultivation. Boys under 16 are scarcely able to operate a two-horse cultivator. Younger boys may and do operate single plows. The younger children follow the plow,

set the corn up that has been plowed under, and pull the weeds from the hill. This is very tiresome and as one little chap about eight years old said, "about sun-down the rows git awful long." Later, the hay is ready to cut, then the wheat and oats. Older boys drive the mower and rake, pitch and load hay and shock the grain. In the early fall the corn is ready to gather; children are used extensively, for a boy or girl big enough to wield a cutter or use a shucking peg, can help. This and the early spring work interfere with the children's schooling.

The hours are long and the work hard, but much of it can be done with modern machinery so that for the most part the very young children are eliminated. Furthermore, as in the case of the mountain child, the busy season is followed by a more or less slack season, although because of the greater variety of crops the work is a little more continuous than in the mountains.

There are a great many farms of large acreage in the Blue Grass proper. Prior to the Civil War this section was developed largely in the form of plantations, and these are still found. Men of wealth with businesses and professions in the towns and cities have bought up large tracts, and farming is of secondary interest to them. Some take their families to the farms during the summer months, moving back to town in the fall. Many of these homes are palatial. There is a striking contrast between the average landowner's home and that of the tenant; the latter is often scarcely more than a shack.

The average tenant's child has little to inspire him in his own home surroundings. For the most part they are unsightly, poorly kept, and supplied with very few conveniences. They have practically no sanitary toilets, and the water supply is usually not adequately protected.

This form of land tenure obviously has resulted in creating a large tenant and hired labor class. Large-acreage farming makes it necessary to have a large labor supply for the busy seasons, particularly the harvesting time. The prevailing wage paid by a landowner to his own tenants has been from \$1.00 to \$1.50 per day, but others are paid from \$3 to \$4. In order to have the necessary labor supply these big farmers rent much of their tobacco land to their men on a crop basis, the number of acres depending largely upon the amount of labor that can be furnished by the tenant and his family. A child 12 years of age is generally counted a hand.

The prevailing form of rental is for the tenant, or cropper as he is more frequently called, to put up his labor against all the other things needed in the farm operation, which are furnished by the landlord. Each receives half the crop. However, where the tenant has his own

team and tools and furnishes the seed and part of the fertilizer, he receives two-thirds of the crop.

Children are chiefly employed in the Blue Grass country in the cultivation of tobacco, which runs from early spring till late in the fall. The greater part of the work must be done by hand—and hand labor invites child labor. Tobacco must be planted, hoed, weeded, suckered, wormed, topped, gathered, and prepared for curing and for markets—all by hand. Children are used in all these operations. The land of course is always prepared for planting with teams, and double plows are used for cultivation, but for the most part tenants do not own cultivators. When the landlord is using his own cultivator, there is nothing left for the tenant to do but put his children to work with hoes. Frequently because of ignorance he is averse to using labor-saving machinery. He has worked by hand so long that he has become "set in his way" and feels there is no other way to do it. It is no uncommon sight to see the entire family—father, mother and children as young as five years of age working all day long in the tobacco patch. During the busy grain harvesting seasons, when the father is required to help the landlord, the burden of tobacco cultivation falls heavily upon the mother and children. The tenant agrees to plant as much tobacco as it is physically possible for himself and family to handle, and the number and size of the children are always important considerations in renting the land. Sometimes the tenant takes a larger acreage than he and his family can handle, giving little or no thought to the effects of the heavy labor upon his wife and children. A big acreage of tobacco has a strong appeal to the average tenant and the value of intensive cultivating is unknown to him. The result is that he is never up with his work. There is always something to do, consequently he doesn't feel free at any time to take his family and go for an outing, however much they may be in need of it. The psychological effect of that something-to-be-done takes the joy out of life. There are more opportunities for recreation than in the mountain section, however, for the roads are fairly good and people can get about much more easily. Many towns and cities have commercial amusements—such as they are—but the country affords little opportunity for wholesome play and companionship.

During the last few years a great hue and cry has been raised about the farm labor shortage in this section. It is not so much a labor shortage as it is an unequal distribution of land. The present system depends upon a copious labor supply—including child labor. The land has become so high-priced that the cropper and laborer have a very meagre chance of owning any of it. It is true the prevailing high price for tobacco has brought a relatively high return to the tenants, but with the corresponding increase in the cost of living

in general, it has not been such as to enable them to pass into the land-owning class. Perhaps this apparent shortage may be a blessing in disguise, in that it will force the large landowners to show a more co-operative spirit toward their tenants, by giving them longer leases, providing better houses, helping and encouraging them to raise their own feed and food, and by taking a greater personal interest in their welfare.

An especially unfortunate situation in the Blue Grass section grows out of indifference to the rural school. Everywhere the writer was told that the landlords and well-to-do classes were sending their children in automobiles to the town and city schools. They are not only uninterested in the rural schools but are actually opposing any increase in local taxation for school purposes. This is evidenced by the fact that the Blue Grass with its wealth of nearly \$600 per capita pays its teachers but little if any more and has no better buildings and equipment than the other sections, although the wealth per capita of neither of these other sections is half that of the Blue Grass. The condition no doubt is due partly to the lack of educational vision and leadership by the state, but no small part must be laid at the door of the prosperous landlords.

The Western Section

This is composed of the remaining forty-eight counties and comprises the entire western part of the state. The part lying along the Blue Grass is commonly referred to as the "Pennyrile" and that part west of the Tennessee River as the "Jackson Purchase." Eight or nine counties in the central part are known as the Western Coal Field. While this section has nearly double the area of the Blue Grass, it has fewer people.

The soil on the whole is not so productive as in the "Blue Grass." There are places, however, especially those counties that have shown interest in agriculture, where the soil is very fertile and produces excellent crops. These counties have been gradually developing a suitable crop-rotation system, accompanied by an intelligent use of fertilizers. In many counties, particularly those that have no railroads, agricultural development is very slow. The soil is badly impoverished by the constant raising of corn and tobacco. This policy has resulted in large acreages lying fallow each year because the land is worn out. One county agent estimated that as much as 30 per cent. of his county was lying fallow. Fertilizers are used in great amounts and in far too many instances simply to stimulate the soil for the present crop, so that at the end of the cropping season, the soil is in no better condition than at the beginning. For the most part little gain has been made in successful rotation of crops.

Prevailing high prices of tobacco during the last few years have increased the difficulties of this problem, and much of the present gain will be taken up by a future loss because of the lack of a suitable policy of soil building. The number of live stock is on the increase and this will force the raising of more feed. In certain localities people are beginning to cultivate clovers and legumes.

Many parts of this section are cut off from each other by a lack of roads and railroads. Some counties, of course, have better roads than others, but during inclement weather, whole communities are isolated for weeks at a time by their impassability. The conditions in these isolated communities are bad. In the western section there are numerous communities—in fact entire counties—that live as much to themselves and are as little concerned with outside affairs as are the mountain people. They do not travel. Even along the railroads the farm people are not going from place to place in any great numbers, and many can be found who have never been outside the confines of the county in which they were born. They have no leadership and no interest in public welfare. They seem to have but one diversion, namely, "to keep down local taxes" and in this they have been remarkably successful. So to most of them, to increase the tax for any public interest is almost a calamity and places an unjust burden on them. However, the sentiment for better roads is slowly on the increase and practically all the counties have made a beginning in their improvement. Some of the counties, particularly the isolated ones, are showing an unfortunate spirit towards their schools, and there is no one to plead the children's cause—not even the county superintendents, for they are paid such small salaries that they must do other work in order to earn enough to live. Instance after instance was found in which, after the total valuation of the county tax list had been raised because of the operation of the new tax law, counties had decided to reduce the local rate for schools. One county which had been raising 20 cents cut to 15 cents and one which had been raising 15 cents cut to 10 cents.

Corn and tobacco are the chief crops. The small grain acreage—particularly wheat—has been greatly increased during the last two years because of the war-time demands, and in some instances the increase has amounted to as much as 150 per cent., but even this does not mean a very substantial reduction in other crops because the original acreage was very small. Under the stress of war-time demands, the county agents were able to teach many valuable lessons and accomplish many things that otherwise would have taken years.

Tobacco is the chief money crop, and its high price will undoubtedly keep it in first place for many years to come. Here, as in the Blue Grass, the children are the silent sufferers. The demands and

effects on child life are the same, regardless of where the tobacco is raised. In several of the counties along the Ohio River, particularly those having the larger cities, poultry raising is becoming an important industry. It has not as yet assumed any great proportions but the interest in it shows progress. The work is particularly beneficial and helpful to children. It was initiated through the club work under the supervision of the county agents. The work is not hard, does not interfere with school, provides vocational training, has been found to be profitable, and furnishes a more or less constant income throughout the entire year.

Strawberries are an important crop in Warren County. Strawberry culture is like tobacco culture, in that the bulk of the work must be done by hand but unlike it in that the work must be done in a much shorter time. Picking, which is the most important part, requires a much greater concentration of workers per acre than is ever required at any one time in tobacco.

Most of the cultivation is done with plows, although hoes are used quite extensively and the hand worker is required to pull the weeds from the hills and between the rows. Women and children are used for the work. Several owners said they did not like to use children under 12 or 13 years of age for this work because carelessness in pulling the weeds would injure the growing plant. Where the child is working with his parents, as many of them do, the employers use them younger than 12 years. They work 10 hours a day; men receive from \$1.50 to \$1.75, women from \$1.00 to \$1.25 and children from 50 cents to 80 cents. For the most part the cultivating done does not interfere with school work.

The picking season is most important. This usually begins about the middle of May and lasts from three to four weeks, but this year owing to weather conditions it was much later. When the crop is normal it is said that ten thousand pickers are necessary to care for it. Some years it has been difficult to get sufficient labor to handle it but this year the crop was considerably below normal, hence there was no labor shortage.

It was estimated—and from what the writer saw the estimate seemed conservative—that fully three-fourths of the pickers were women and children, the latter ranging in age from six years up. The work-day is 10 hours except for the Y. M. C. A. boys, who work only eight hours a day.

All are paid seven cents a gallon in weekly payments and if they work whenever required, including Mondays and Saturdays, throughout the season, a premium of three cents a gallon is paid at the end of the season.

If the picker desires it, the owner must board him and according

to the rules of the association, cannot charge less than 12 cents a meal. Workers living in Bowling Green and nearby points usually board themselves. Free transportation is provided to and from the fields each morning and evening. Pickers earn on the average about \$2.00 per day. Many of the pickers, however, claimed they would not make that much this year because the berries were so small and were not ripening as they should.

The majority of the children were from Bowling Green or points near by and were working with older members of the family—usually the mother. The owners do not care to employ the very young children but are often obliged to take them in order to get the older workers.

On the larger farms the sexes are separated, working in gangs under foremen, and separate toilets are provided in the fields. Children carry the drinking water from nearby wells and common drinking cups are used.

The Y. M. C. A. conducts a camp for its own members. The purpose is to combine pleasure and work. It draws from the towns and cities throughout the entire state boys over 14 years who cannot afford the expense of a vacation trip. Since they work only eight hours a day, considerable time is left for game and sports, and both work and play are under the supervision of a capable leader.

Other non-resident workers are housed in very crude shacks on the farms where they work. A large part of them are roving men and women, who are not looking for steady work. The shortness of the season is what they like, for they live from hand to mouth, earning a little and then moving on. A policeman in Bowling Green said that as soon as the berry pickers came he had his hands full with rowdies who came to town in the evening. The writer overheard vile conversations in the fields. Adequate supervision during both working and leisure hours should be provided.

There are some large-acreage farms in this area, but the large farm is the exception rather than the rule, and there are many tenants but not as wide a gulf between them and the landowners as in the Blue Grass.

Few of the farms have an adequate supply of modern farm machinery. The amount of feed raised for live stock and food for the family in the way of garden truck, is by no means as much as it could or should be, consequently there is too much dependence upon the local merchant. Housing conditions are poor and the simplest home conveniences are largely wanting. Water supplies are generally unprotected, and there are few health and recreation facilities for children. It must be said, however, in fairness to this great western section, that here and there localities are showing signs of progress.

Farmers in these communities are beginning to realize that the welfare of their families is of more importance than their farms or crops.

DEVELOPMENTAL AGENCIES

Kentucky is one of the oldest states in the Union. Agriculture is today and has been her chief industry, and over half of her employed people are directly depending on it for a living. The welfare of the people of the entire state is intimately connected with the development of this basic industry. What has the state done to encourage it?

The state supports four agencies for the development of agriculture, namely, the College of Agriculture, the Experiment Station, the Extension Division, and the Bureau of Agriculture, Labor and Statistics.* Only a part of the activities of the last one named, however, are in the interest of agriculture.

The College of Agriculture

In 1865 the legislature authorized the establishment of a college of agriculture, in connection with a private school. In 1878 this connection was severed and the Agricultural and Mechanical College was established under the complete supervision of the state. At the present time it is a part of the State University. It has been more or less subject to political influence and has not always been efficiently managed. In 1917 the College was reorganized, but it is still suffering from its bad heritage. It has but one poorly equipped building for teaching purposes and because of such meager facilities, students will continue to go to private schools or to other state universities just as they have done in the past. Kentucky needs trained agricultural leadership and the people ought to be able to look to their own training school for it. Instead of 275 students, the College ought to have 1,000 but they will not come until more and better equipment is supplied and a larger staff engaged. This is in no sense an adverse criticism of the quality of work now being done. The College is under able leadership and the staff is composed of good men but their sphere of influence should be greatly extended. The crux of the whole thing is money—more money. The state at the best will get no more in the way of trained leadership than she is willing to pay for, and so far she has not been willing to pay the price. Just across the Ohio River, Ohio, according to the latest available figures, appropriates for support and improvements for her agricultural college 26 cents per capita of the total population and Indiana 14 cents, while Kentucky appropriates only six cents. This speaks for itself.

*Frequently referred to as Department of Agriculture, Labor and Statistics.

The development of the college has been further retarded because the high schools of the state have not been turning out enough graduates to supply it with a student body of adequate size.

The Experiment Station

This was established in 1885. The legislature designated it to administer the law regulating the sale of commercial fertilizers. Fees were charged for inspection. It was recognized that these fees would provide a considerable income for agricultural work; accordingly, as the necessity for inspections in other lines, chiefly feeds, grew, laws were passed placing them under the supervision of the Experiment Station. At the present time all police and inspection work except that relating to foods which is in the hands of the State Board of Health, is done by the Station, and a considerable sum of money over and above the actual expense is received by it for the work. Its chief work, however, is experimentation. There is great need of expanding the work of the Experiment Station, particularly in the establishment of substations. Kentucky has a variety of soils and climatic conditions and hence the substations should be so located that information and experience may be gained under all kinds of farming conditions. This is not being done at the present time—for instance, experiments in horticulture are being conducted in the Blue Grass where the climatic conditions frequently hinder the development of fruit. The substation should be in that part of the state where fruit can be grown to best advantage. The number of such stations should be doubled and at least \$50,000 more appropriated for their work.

During the early days of pioneering in agricultural education and even up to the present time, the Experiment Station has stood out as a bright light. The strongest agricultural leadership in the state was centered here and the Station was kept comparatively free from partisan politics. It has by no means, however, reached the height it could have attained with better appreciation of the importance of its work on the part of the legislature and a more adequate income provided. In the reorganization of 1910 the offices of the Dean of the College and of the Director of the Experiment Station were combined.

The Division of Extension

In 1914 the College entered into the usual agreement with the Federal Department of Agriculture, and thereby created the Division of Extension, under the provisions of the Smith-Lever Act. Prior to this time the College had been doing some extension work, but had no special appropriation for it. The purpose of the Extension Division is primarily to furnish agricultural information to those who

do not attend the College. This information is given to the farmers by specialists and particularly by the county and home demonstration agents. On July 1st of this year the Dean was made the Director of Extension. Thus it will be seen that the reorganization has resulted in a simple and workable plan with the entire machinery of agricultural education in the hands of one man. These three phases of work, namely, teaching, experimentation, and extension, cannot be successfully conducted independently of one another. Now that they are under the supervision of one man, we may expect the development of greater co-ordination and a better spirit of co-operation. The responsibility is heavy but it offers the opportunity for an agricultural renaissance.

Bureau of Agriculture, Labor and Statistics

This bureau was established by the legislature of 1876. It is in the charge of a Commissioner of Agriculture, originally appointed by the governor, but now elected by popular vote every four years. With regard to agriculture, the bureau is chiefly concerned with the gathering of statistics.

In addition, there is a State Board of Agriculture consisting of seven members appointed by the governor. The Commissioner of Agriculture is chairman of this board. The most important work carried on by it is the annual State Fair. The Commissioner of Agriculture is also chairman of the Live Stock Sanitary Board, which consists of two members from the Experiment Station staff and four members from the Board of Agriculture. This board is primarily concerned with the care and prevention of disease among live stock.

The work of the State Board of Agriculture and of the Bureau of Agriculture, Labor and Statistics has not been fully developed. Both agencies have been more or less subject to partisan politics, and have been hampered because the Commissioner receives a very small salary (\$2,500 per annum) and is not allowed to succeed himself. Furthermore this work is decentralized and lacks unity and co-ordination, consequently not much in the way of efficiency can be expected.

The Bureau of Agriculture, Labor and Statistics should be made into two state departments: Labor and Agriculture. The Department of Agriculture should be under the supervision of the State Board of Agriculture. The executive officer (commissioner) should be appointed by the board, allowed to succeed himself and receive a salary commensurate with the importance of the work. This would attract men with the training and ability to handle it, centralize it, and do away with many boards.

There are at least two factors essential to any successful develop-

ment—namely organization and finance. Agricultural development, both from an economic and a sociological point of view, is a purchasable commodity and is directly proportionate to the amount of money spent for it. In 1917-1918 the following were the sources of income for the various activities:—

SOURCES OF INCOME FOR AGRICULTURAL DEVELOPMENT

	College	Extension	Experiment	Bureau of Agri.	State Fair	Live Stock Board	Total
Fed'l Gov't....	.....	\$110,535	\$30,500	.....	.....	.....	\$141,035
State .....	.....	21,235	80,642	*26,666	25,000	28,190	181,733
Fees .....	.....	.....	141,520	.....	.....	.....	141,520
County .....	.....	50,000	.....	.....	.....	.....	50,000
College .....	.....	15,000	.....	.....	.....	.....	15,000
Other	24,311	15,000	1,627	.....	.....	.....	40,938
Total	\$24,311	\$211,770	\$254,289	\$26,666	\$25,000	\$28,190	\$570,226

*The total appropriation for the Bureau of Agriculture, Labor and Statistics is \$40,000. It was estimated that at least two-thirds of this is used for agricultural purposes.

The College receives its funds from the general revenues of the University. A considerable portion of the University funds is from the federal government. In addition to the above incomes, the Extension Service was allotted \$84,000 by the federal government through the emergency food appropriation. Of this amount \$73,319 was actually spent.

It will be seen from this table that the state provides by direct taxation about 31 per cent. of the money, the federal government about 24.5 per cent., and a like amount is received in fees from the police and inspection work.

When one realizes that there are over fourteen million acres of land under cultivation and over 445,000 people in Kentucky depending directly upon agriculture as a means of livelihood, it becomes evident that \$570,000 is a very small amount to spend for its development. According to the estimate furnished by the Federal Department of Agriculture in 1918 the value of the state's corn, wheat, oats and tobacco alone was nearly \$270,000,000. While some of these funds, particularly the Smith-Lever, will increase, yet it is clearly the duty of the state legislature to provide more money.

County Agents' Work

Undoubtedly the phase of work having the most far-reaching effect is that of the Extension Service, particularly that done by the county and home demonstration agents. At the present time there are sixty counties with agents, divided as follows, 24 in the Western section, 21 in the Mountain, and 15 in the Blue Grass. In addition

there are three colored agents. The work is immediately supervised by a state agent and four district agents.

County Board of Agriculture

In each county there is a Board of Agriculture usually consisting of from 10 to 18 members and made up of the most progressive and influential farmers in the county. In most instances they are selected on the basis of magisterial districts, which are the political sub-divisions of the county. Partisan politics no doubt at times has entered into consideration as to who should compose the board, but on the whole these boards are free from politics and are constructively interested in agricultural development. Frequently the members are selected from the Community Clubs (see below). The chief function of the board is to act in an advisory capacity to the county agent who usually outlines various projects for endorsement before the work is begun.

Farm Bureaus

The Division of Extension is just beginning to reorganize the County Boards of Agriculture into farm bureaus. This will enable all the farmers of a county to take a part actively in the development of the county agent's work.

Fiscal Court

The Fiscal Court is made up of members elected by popular vote from magisterial districts, together with certain elected county officials. It is the county's financial agency. Since the county agent's work is partly financed by the county, the Fiscal Court determines whether a county shall or shall not have such an agent.

When the agricultural work is well organized, the County Board of Agriculture successfully represents the work before the Court; in far too many instances, however, this is not the case, and the agent is left single-handed to convince the members of the Court of the worthwhileness of the work. One agent estimated he spent at least six weeks of each year educating the Fiscal Court members. The possibility of the Court's cutting off the appropriation has given many agents a feeling of insecurity which naturally interferes with the effectiveness of their work. Such action of the Court has been an important factor in the large turnover of county agents. In several counties this cutting off of appropriation has occurred.

The state should require every Fiscal Court to appropriate for county agent work not less than \$800 annually, except in pauper counties where the amount need not exceed \$400. The Fiscal Court

should appoint as county agents only those candidates who are approved by the administrative officers of the extension service.

Community Clubs

The most important work the county agent is doing is developing Community Clubs. It has not received so much publicity as the other phases of his work nor is he generally looked upon or spoken of as an organizer, but it is through just such organizations as these that the farmers will be taught "how to live."

In 1918 there were reported 306 farmers' clubs in 42 counties; some counties are completely organized, others only partially, and of course many have none whatever. In some counties these clubs are organized in the natural communities, in others in the magisterial districts. However, in the latter case the clubs may and often do follow natural community lines.

The agents are responsible for the general plan of organization, but the actual work of organizing is done by the people themselves. Each club has a full set of officers, elected from their own number, and transacts the regular routine business. They usually meet once a month, although some meet every two weeks. The county agent attends these meetings and discusses a subject connected with the agricultural development of the community at that particular season of the year. In fact, where the work is well organized, the agent has come to depend upon these club meetings as the medium through which he can give all his instructions to farmers. So far the discussions in these meetings have largely been confined to purely agricultural subjects and have not extensively taken up community problems or co-operative buying and selling. Nevertheless, in 1918 the agents reported farmers having bought and sold co-operatively to the value of \$246,910 at a saving to them of \$43,277. The clubs are usually federated in a loose county organization, frequently the County Board of Agriculture.

The following is what one county did and it shows clearly the possibilities of such work. Every natural community in the county has a club. There are between 375 and 400 members in all of them, representing almost as many families. Some of the clubs have been in existence four years and all are now federated into a county organization with a county business agent. At the time one club was organized, in 1916, the community had a shack for a school building, the question of a better one had come up from time to time in their meetings and was fully discussed. The outcome was a modern building, costing \$9,000, one-half of which was raised by a direct tax upon themselves and today the building is used for all community activities.

Similar action was taken by two other communities of this county and they have a fine modern consolidated schoolhouse. Four other clubs are working on plans for two consolidated schoolhouses and in all probability these will be built this year. The consolidated school was in session at the time of the writer's visit to the county and it was a pleasure to see this new, modern, and well equipped building with live, enthusiastic and well trained teachers. One of the teachers gleefully told how they had recently conducted a sociable, raising \$70, and on that very day a specialist was coming to help her plan the installation of playground apparatus. The water supply at this school building is well protected. The building has inside sanitary toilets and also basement playrooms to be used during inclement weather. In the winter time, with the domestic science equipment, the teacher with the help of the older pupils, provides hot lunches for the children. Out of the bringing of this community together to teach the farmers how to produce more has come something infinitely greater. For these children, as is now the case with most of the children in the state, to spend any time in play was formerly considered a waste of time; now they are not only to have the time to play but also something to play with. Furthermore, that the rural schools is actually providing instruction in the preparation of foods is most gratifying.

The story of the clubs' co-operative buying is equally interesting. They began in the fall of 1916 by buying between 175 and 200 tons of fertilizer, and have purchased an increasing amount each spring and fall at a saving of from \$4 to \$7 per ton. At the outset the local merchants opposed the plan. Each club ascertained the amount of fertilizer needed by its members, reported this to the county business agent, who in turn sought bids for it. Local people were permitted to bid. In the spring of 1917 one of the local dealers was the low bidder. He had made the remark that he would "fix that organization." While they knew of this remark, they were determined to give him a chance and accordingly awarded him the contract. True to his prearranged plan he furnished not only an inferior grade but also furnished it in bags too heavy to handle, so they were torn and much of the contents wasted. Needless to say, he has received no more contracts. A year later he came to the farmers' organization and wanted to sell out to them, because he said farmers who used to buy annually to the amount of \$800 last year only bought \$50 worth. "I can't run on that kind of a business."

The business agent has purchased some machinery and a few silos at a saving of 25 per cent. but they have not as yet attempted to extend their activities very far into the buying and selling field, except in reference to fertilizers. No attempt is made to make these clubs *per se* buying and selling organizations. The leaders recognize that

there is a community of interest between the rural districts and the towns. They do not want to destroy the latter but the exploitation of the farmer must stop. He has too long been the prey of the middleman of the small town and it is only through organization that the opportunities for bargaining can be made equal.

At the outset the greatest value the club has is to socialize the farm people. It teaches them to co-operate and to realize that a community interest is higher than individual interest. It helps to make them ready to be real participants in that co-operation which is necessary to the development of both town and country. The farmer must learn to work with his neighbors before he can work effectively with others, and just such organizations as community clubs are needed as training schools for such co-operation. It is not so much help that the farmer needs as it is to be shown how to help himself.

Boys' Club Work

The county agents have charge of the boys' club work under the supervision of a state club agent and several assistants. In 1918 there were a few over 5,000 boys enrolled as club members, but only about one-third of them carried the work completely through and less than half the work outlined by the department was accomplished. Over two-thirds of the members are in the live stock clubs. Many of the agents deal with the club members as individuals rather than in groups. However, some very good work has been found in the club organizations. One agent had divided the county into districts, permitting the children to choose the place at which it would be most convenient for them to meet. During the summer months he met them regularly to give necessary instructions.

The final meeting was held in the fall at the county seat, at which time an exhibit was held and prizes awarded. The business men, particularly the bankers, have generally been much interested in this work, and if the boy did not have the money to purchase the necessary stock, they loaned it to him on easy terms.

A small beginning has been made in a few counties, in the so-called project work, by agricultural teachers, under the provisions of the Federal Smith-Hughes Act. There is no real difference, however, between the project and the club work, and just as soon as each county has two or more Smith-Hughes agricultural teachers, the club work should be placed under their supervision. The county agent already has more work to do than he can handle and furthermore this work is primarily vocational education and as such should be under the control and supervision of the school system.

Girls' Club Work

The girls' club work is under the supervision of the home demonstration agents. These agents are giving instruction in canning and preserving of foods, and in fact in all phases of home economics. There are now thirty-three white and three colored agents. The agents usually meet the women and girls in groups and frequently hold joint meetings with the county agents at the different community clubs, discussing such subjects as poultry, canning and the value and importance of different foods. Oftentimes the women of the community under the supervision of the home demonstration agent, prepare a lunch to be served in the evening after the club meeting, thus adding a social feature.

The girls' club work should be taken over by the domestic science teachers under the Smith-Hughes Act just as soon as there are sufficient teachers. It is not that the home demonstration agents are not doing good work, but because such work is a school function and therefore should be handled by the school authorities. Furthermore, the extension of the Smith-Hughes Act as now contemplated, will provide several teachers to each county, whereas now only one demonstration agent is assigned to a county. This will make a greater extension of the work possible and eliminate all duplication.

ROADS

One very serious handicap to the development of agriculture in the state has been the lack of good roads. Many phases of agricultural life are involved in this question. The farmer's grain and live stock must be transported to market and whatever feed, food, fertilizers, coal and machinery he needs must be carried out to the farms, and schools, churches, community clubs, in fact all kinds of community life depend to a very large extent on the ease with which people can move about. The automobile has become a tremendous factor for socialization and recreation, but its use depends on good roads and because of their lack Kentucky farmers are generally denied these advantages.

There is opposition to the tax levy necessary to build the roads. However, the sentiment for better roads is growing because of the splendid work being done by the State Department of Public Roads. But this sentiment is one rather of tolerance than active co-operation. Many men are still skeptical and are waiting to be "shown." A number of counties have voted down the special tax necessary to receive the state aid. The majority of the counties, however, have responded to the call of the state department for better roads and are showing a

better spirit of co-operation. Most of the activities now are being confined to the building of the inter-county-seat roads. To the so-called pauper counties the state furnishes three-fourths of the money for such roads on condition that the county raise the other fourth, which must be sanctioned by vote of the people. A great deal depends upon an educational campaign for good roads. Just as in agricultural development, this depends on "road leadership by road statesmen."

MARKETING

Little has been done by the state in the development of marketing facilities. Recently the College secured an expert in this line; up to the present time he has confined his activities largely to a study of the situation and some practical work has been done, particularly in the hemp industry in the Blue Grass. This industry threatened to be destroyed until he took hold and practically handled the marketing of it. The wool pools conducted under the supervision of the county agent have been quite successful attempts at co-operative marketing. Sometimes several counties go together and conduct the pool. A central point is designated to which all the wool is brought and where it is carefully graded. Very few farmers sell their wool outside the pool. After the approximate amount of the different grades of wool is known, the county agent notifies the buyers that at a certain town there are approximately so many pounds of wool of such a grade and that on a certain date it will be sold to the highest bidder. They are invited to send sealed bids, with certified checks for \$500. No bids are accepted unless the buyer is present or signifies his willingness to accept the association's grade. The wool must be paid for before it is shipped. The buyer pays the freight. The total cost to the farmer does not exceed one cent a pound.

The largest venture in co-operative marketing found was that of the Warren County Strawberry Growers' Association, composed of practically all the 400 strawberry growers in this county. The association has a paid secretary who handles the selling under the supervision of a board of directors. The berries are brought to Bowling Green and loaded in the refrigerator cars. Last year, due to the poor carrying quality of the berries, they were sold for a price much lower than that which the farmer was given to understand they would bring. While he clearly understood they were being sold at the destination, yet when the final settlement was made at the close of the season, he did not receive the amount of money he thought he was entitled to. This year they were told their berries were sold F. O. B. Bowling Green, but many of them in the light of past experience were skeptical and were making unfavorable criticisms against the association.

Furthermore, they could not understand why it was necessary for the buyers to have 12 or 13 representatives there all the time. Whatever merit there may or may not be in these criticisms, the fact remains that there is a serious possibility of the association being split up. It has done good work and has increased the returns to the farmer for his berries many times. The marketing of a product as perishable as strawberries is a very difficult proposition and no doubt whoever manages it will always be more or less subject to criticism. Much of the present criticism could be avoided if the management would take more pains to explain the difficulties and handicaps under which they are working.

In the marketing of tobacco, most of it is sold under what is called the loose leaf system. In towns and cities in the tobacco belt are warehouses—market places for tobacco. These are built by private individuals simply as an investment. In fact there are very important middlemen in the tobacco industry. The farmer brings his tobacco to these warehouses where it is carefully graded by the people in charge. The buyers then come and buy it at public auction. The warehouse usually charges a commission of from $2\frac{1}{2}$ to 3 per cent., and 25 cents per hundred for weighing. In one city conservative estimates placed the value of two warehouses at \$100,000. In 1918 their net income was \$55,000. The general net income usually runs from 40 to 60 per cent. on warehouse investments. The system, according to the statements of many farmers, permits the buyers to stand together and hold the price down. Whether this is true or not it is difficult to say, but nevertheless the farmer received a good price for his tobacco.

The best illustration of successful marketing found was that of a small creamery association in a town of about 3,000 inhabitants, located in a thriving and progressive district in the western part of the state. The association has only 65 members but the shipments of cream have, in one year's time, increased from 400 to 1,200 pounds. The creameries maintain stations in the small towns in the cattle raising section of the state and formerly had one at this town. In charge of the work for them is a man who must be a licensed tester and the creamery settles with the farmer on the basis of his test—that is, the test made by the man in its employ. This was the cause of considerable dissatisfaction among the farmers and really led to the establishment of the association. Each member obligates himself to ship all his cream through the association. On each Monday morning the manager receives by wire from five different creameries located in as many different cities the price they will pay for the cream for that week. On Monday evening he accepts one of the bids and sells the output for the week. He also is a licensed tester and the creamery accepts his test. The farmers have their own containers and the cream is sold F. O. B. their

town. On the day the writer visited the association, the station price was 54 cents, whereas the association was getting 64½ cents. A charge of two cents per pound is taken out for the secretary, who is guaranteed a fixed minimum amount.

In 1918 there was organized and incorporated a commercial organization in agriculture known as the "Associated Co-operators of Kentucky." It is a stock company made up largely of farmers and is capitalized at \$10,000. During that year it handled \$107,000 worth of business, mostly to locals of the Farmers' Union. They propose to maintain warehouse and wholesale establishments for the "benefit" of all local co-operative associations in the state and to others but only associations holding stock of a membership will be entitled to the rights prescribed under the constitution and by-laws. It is the intention to place this company in a position to furnish the farmer with every article needed on the farm either for his personal enjoyment or for the conduct of his business. At the present time the organization is very closely allied to the Farmers' Union movement. The success of a movement of this kind depends upon the interest that it has in all forms of co-operation, and to align it too closely with any one of the organizations tends to arouse prejudice against it in the minds of the others. The Farmers' Union movement is showing rapid and successful growth and doing good work with eleven co-operative stores, two flour mills, three tobacco warehouses and over 4,200 members, but there are other co-operative movements in the state that have the promise of an equally important development, and therefore the association should be in a position to render service to all.

SUMMARY

The state has no well-defined policy for agricultural development except that of the College which has been shaped within the last two years. Rural communities on the whole are backward. There is too much tenancy and soil depletion. Schools are poor and home equipment meagre. There are practically no health or recreational facilities and no legal protection whatever for the great army of agricultural child laborers.

A strong Department of Agriculture should be created out of the Bureau of Agriculture, Labor and Statistics.

It is only within the last few years that the College of Agriculture, the Experiment Station and the Extension Service have been in a position to do really effective work, but the activities of each of these agencies are still very much handicapped by lack of funds.

The Extension Service should reach every county in the state.

More time and attention should be given to the many isolated communities.

Marketing is of vital importance to the producer and the consumer alike, and the state ought to be spending more time and money in its study. The state should be of great help in pointing out the weakness of plans that have been tried but have failed and particularly could it do more in finding out the costs of production.

Through the Extension Department the county agents should continue the development of farmers' clubs until every community in the state has such an organization. The community club is not an end in itself, but simply a training school where the first lessons in co-operation are taught—an agency which makes it possible for Farmers' Unions and kindred organizations to be successful. It is only by organization and the things learned through it that the farmers will come into their own.

CHILD LABOR

MRS. LORAIN B. BUSH.

A state is under obligation as guardian and by considerations of self-interest, to protect its children from labor, whether due to poverty, dependency, ignorance, indifference, greed, or other cause, which deprives them of fair and equal opportunities for the development of their physical, mental, and moral capacities.

Such protection should consist not merely of prohibition and regulation, but removal of causes. Every child labor law should be accompanied not only by compulsory education but also by relief from poverty. Furthermore, the state should see that the laws are observed, and this means the provision of adequate administrative agencies.

Kentucky has recognized the importance of protecting its children from premature employment and has enacted a child labor law with standards higher than those of many neighboring states. Indeed this law is generally regarded as the best in the South. But are the children deriving from it all the benefit the state intends they should have?

The law provides a straight 14-year limit for children employed in practically all occupations except agriculture and domestic service and a 16-year limit for dangerous and injurious occupations. It provides for an eight-hour day and a 48-hour week for children under 16, and employment of such children is prohibited between the hours of 7 p. m. and 6 a. m. For street occupations in cities of the first, second and third classes (the age limit being 14 for boys and 18 for girls) employment is prohibited between the hours of 8 p. m. and 6 a. m. To children between 14 and 16 a work permit is issued by the superintendent of schools. The educational requirement necessary for the issuance of the permit is 100 days of school attendance and the completion of the fifth grade, or its equivalent; in addition to this requirement, the employer's written statement that he intends legally to employ the child must be furnished. In cities of the first, second and third classes boys under 21 are prohibited from engaging in messenger service between the hours of 9 p. m. and 6 a. m.

Four labor inspectors under the direction of the Commissioner of Agriculture, Labor and Statistics are charged with the enforcement of the law. They are empowered to enforce sanitary regulations and to institute prosecutions for all violations. Truancy officers also are given authority to enter and inspect establishments wherein minors are or may be employed.

The child labor law enacted in 1914 carried a provision for the physical examination of every child applying for a work permit and it is to be regretted that in making amendments to the law in 1918, this most important regulation was omitted. The present statute simply provides for an examination to establish the physical age of the child when documentary evidence of age is not obtainable.

The new federal child labor law had not gone into effect at the time this study was begun. Before the investigation was finished it had become effective and its marked influence was observed in many manufacturing establishments.

For the purpose of this study, the state was divided into districts, each including several counties representative of their respective sections. The investigation covered these and included all cities of the first, second, and third classes and a dozen cities of the fourth class. No special study was made of employment in agriculture but some of the findings of the Committee in this field in 1917 are made a part of this report. Kentucky is largely an agricultural state yet she has large manufacturing and mining interests. This investigation, however, was not confined to manufacturing and mining, but extended to all occupations open to children. Among the latter are employment in mercantile establishments, telegraph and telephone offices, laundries, amusement places, drug stores, cafes and restaurants, and street trades.

FACTORIES AND MILLS

Tobacco Factories

Tobacco factories located in various sections were visited, including those manufacturing cigars, snuff and chewing tobacco, together with the re-handling houses, warehouses, and loose leaf establishments. Striking contrasts were observed; in one place there would be a well-defined tendency to comply with the provisions of the child labor law, while in another, the law would be altogether ignored.

Visits to 11 establishments in Paducah revealed only one gross violation. In this instance, a boy of 14, in a house employing about 100 persons, was packing tobacco during school hours. The law distinctly provides that no child under 16 shall engage in assorting, manufacturing, or packing tobacco. When asked about his method of establishing the ages of children whom he employs, the manager replied that he took their word for it.

In another city in this district (Mayfield) violations of the law were found in every one of the six places visited; and the superintendent of schools stated that it was a common practice for children under 16 to leave school to work in the tobacco industries. The su-

perintendent of negro schools said it was impossible to keep boys in school as long as employment was offered in the tobacco houses and that the child labor law afforded no protection whatever to the children of his school. In one house, two boys of 14 and one of 11 were engaged in packing at the time of visit. In another, a boy of 13, one of 14 and one of 15 were at work and none of these had gone beyond the fourth grade in school; a boy of 17 employed here said he had been working in tobacco factories since he was 12—he was very small, anaemic, and had finished only the fourth grade. This factory had on file a certificate signed by the health officer which read: "Permit is hereby granted to — to work account of mother's illness"; the boy was 13 and in the third grade. No other means of relieving the needy family had been suggested and the sacrifice of the child seemed a matter of course. However, when the employer was questioned it came out that the federal child labor law would very soon go into effect, and the child was forthwith dismissed.

In another factory here, a boy of 11 and one of 13 were "handing in" tobacco. The manager on being questioned said: "Last year the county judge said, 'Go ahead and work the children; labor is too scarce not to,' so we did—boys and girls too and we just got the habit, that's all."

Not only were many tobacco houses in this section of the state working children under 16 years of age in violation of the age requirement but hours were longer than those permitted by the act. It is noteworthy that the larger factories visited were observing the law more closely than the smaller ones.

Letters were seen from the head offices of several companies advising their managers to observe the provisions of the new federal child labor law.

In Hopkinsville, boys of 14 were packing tobacco nine and a half hours a day. Girls of 15 in one factory stemmed tobacco for the same number of hours. In the basement of one factory, there were six children stemming tobacco; one child was 12, three were 13, and two were 14. These children were paid "by the piece" and observed the same hours as the adults, namely, ten a day. None of them had been in school more than two months during the entire school year. Another factory here was employing two boys of 14 nine and a half hours a day. Another, four children: a boy of 13 and one of 14; a girl of 12 and one of 13. They were stemming tobacco in a hot, poorly ventilated, overcrowded basement for nine and a half hours a day and receiving one cent a pound for the stemmed leaves.

In Muhlenberg County, the towns of Greenville and Central City were visited. Nowhere were the violations of the law more flagrant than in the tobacco houses inspected here. A re-handling house of

many years' standing and of splendid business repute, employed for nine hours a day two boys of seven, one boy of 10, two boys of 12, two boys of 13, one boy of 14, two boys of 15, one girl of 10, two girls of 13 and one girl of 14. Most of these children were stemming tobacco; a few were bundling. Schools were in session, both white and colored. The manager, a business man of good standing in the community, seemed wholly indifferent to the violations. He made the statement that no inspector had ever to his knowledge visited his plant.

In this same house, two babies played on the floor while their mothers worked. The floor was covered with tobacco stems and dirt. The room was hot and stuffy, due to steaming the tobacco to make stemming possible. The poorer grades of tobacco require more steaming to make the leaves pliable and the windows are often kept closed to keep the temperature even.

In another house here of equally good repute, a girl of 15 was working nine hours a day. In another, a boy of 11, who was in the third grade in school, a boy of nine who was still in the first grade, and four girls of 14 who were in the fifth and sixth grades, were employed; they were doing piece work and their wages were the usual small amount paid for stemming. The manager said he had been in business since 1904 and his plant had never been inspected. Like the other factories visited here, ~~the toilets were crude, out-door privies,~~ and the whole place was unclean and insanitary. Although indifferent to the violations cited, the manager became suddenly alert when the new federal law was mentioned, asked many questions and said: "We can get around the state law, but Uncle Sam, well, that's different." An hour later, he came to see the investigator up town bringing with him a copy of the revenue law. Upon being reminded again of the state law, he insisted that "nobody pays any attention to that."

At none of these factories was there any evidence of evasion. Direct questions received direct answers. There simply was no respect for the state law and no sense of responsibility. None of these towns had compulsory school attendance officers and local public sentiment does not sustain either the child labor law or the compulsory education act.

The towns along the Ohio River have many of the largest tobacco interests in the state. Some operate the entire twelve months while others are open the "usual tobacco season."

In Owensboro, not a direct violation was seen in any tobacco factory visited although the court records showed that certain companies had been prosecuted and fined in the past. Most of the factories here are superior in building and equipment. In some, however, ventilation was poor, and others put young girls to work with-

out first securing and filing evidence of age. The managers insisted that such procedure was unnecessary. In one factory, three small children, mere babies, played about the floor, covered with tobacco stems and dust, while their mothers worked.

Much credit for the condition found in Owensboro, as in Paducah, Henderson, and a few other cities, is due to the untiring efforts of the superintendents of schools, the truancy officers, and the probation officers of the juvenile courts, who do not allow the manufacturers to forget the child labor law.

In Henderson, splendid conditions were found in the tobacco factories, as a whole, though one manager said, "I do employ children during vacation but not while school is in session." In one factory here parents bring their children in after school to help with the stemming. Again, some of these factories simply take the word of the child or parent as to the child's age, and a girl of 14 who had said she was 16 was found stemming tobacco nine hours a day; she had not completed the fifth grade. In another, two small girls were assisting their mother, and the manager denied responsibility because the children were not on the pay-roll.

In Lexington, Louisville, Bowling Green, Richmond, Covington and Newport, tobacco factories were visited after the federal law went into effect and no violations were seen.

Textile Mills

The number of textile mills in Kentucky is small in comparison with the number in other southern states, yet there are mills of various sizes, conditions, and capacities scattered throughout the state. The greater number of these were found to be well within both state and federal laws.

In Paducah a hosiery mill employing 175 persons had only nine children under 16 and for these work permits were on file and the schedule of working hours posted. The mill was in fairly clean condition and the management had installed an up-to-date recreation hall for the women. A splendid kitchen and dining room are provided in the mill and wholesome lunches are served at reasonable prices.

Another cotton mill had no children at the time of visit, yet the school records showed that a large number had received permits to work here. The entire factory was filthy; the toilets should be condemned and the entire establishment overhauled; the walls had not been whitewashed in years although a special provision is written in the law to meet this very condition and the inspectors have authority to enforce this regulation. Much unguarded machinery was seen; the foreman made the statement that the elevator was unsafe and

had fallen several times; last year a serious accident occurred in the mill and a boy of 15 was badly hurt.

One mill in Mayfield employing 600 persons had no children on the pay-roll, the manager said, and none apparently under 16 was seen. However, an hour later an unhappy boy was found on the streets of the city who said he had just lost his job at the mill because he had no work permit.

The manager of a garment factory here said it was his policy not to employ children under 16 but at the time of the visit a lad under 15 was seen at work and no permit was on file. This factory, according to the statement of various persons, allows its employees to take to their homes unfinished garments upon which they work, tying and cutting threads. About two dozen can be finished in one day and 45 cents per dozen is the usual sum paid for this work. According to the statement of the public health nurse, tuberculosis was known to be in six homes to which this work was sometimes taken; in each case, she said, children far too young to enter the factory assisted with the work and in one instance, garments to be finished were taken to a home where the father, mother, and four children lived in one room with a "lean to" or kitchen attached. The father was confined to his bed with tuberculosis.

Other Manufacturing

Visits were made to other industries, including distilleries which were bottling liquors at the time, printing and publishing houses, foundries and machine shops, furniture factories, saw mills, carriage and wagon factories, and coal mines in both the western and eastern sections of the state; canneries were not in operation at the time of the investigation.

In a box factory in one city, two boys of 15 were seen using machinery the operation of which by such children is prohibited and a boy of 13 was engaged in the same work after school hours. In a planing mill, a lad of 15 was employed; he had "finished school" having gone through the third grade. The law provides that a child must have completed the fifth grade for even permitted occupations. At another saw mill, boys from 10 to 12 assisted draymen in loading slabs.

Several shoe factories employ children under 16 but all visited had work permits on file. The manager of one factory who had heretofore employed large numbers of children, expressed his determination to cease employing them. However, in this same city, the state capital, the truancy officer complained of no support from the state inspectors and said the child labor law was of little benefit in keeping the children in school. Violations were to be seen on every hand.

Other Occupations

The new federal child labor law became effective April 25, 1919. It is safe to assume that the number of children heretofore employed in manufacturing industries and mines will not be increased, so the largest number of occupations now open to children are in department stores, groceries, messenger service (not only the delivery of telegrams but of goods also), laundries, amusement places, hotels, restaurants, and cafes, and the street trades. Few of these occupations offer opportunities for advancement and many children not regularly employed engage in them after school.

It is a well-established fact that children employed out of school rarely attain to the grade and standing of those not at work. A study of these after-school workers reveals a startling number of "repeaters"—children kept in a grade more than one year. Again and again, the teachers interviewed complained of the competition of after-school jobs—jobs affording no industrial training and contributing little or nothing to the family income, yet interfering with the work of the school room.

Again, the teachers stated that many children leave school for regular, legal employment when there is no need of it and there is no good reason for the step. Child labor and compulsory education laws alone cannot remedy this condition. When the school makes a stronger appeal to the child, when his instinct to work—to create with his own hands—is made a larger part of his school programme, we shall see the school functioning with better results. Vocational education may largely meet the needs of the child over 14 but the boy and girl under 14 as well must have a "better balanced ration" if they are to be kept happy in their school work and unspoiled by the competition of the small job.

A happy solution of this problem for children of 14 and younger is well under way in Owensboro. Each school maintains a garden and all the children from the first grade through high school are eligible to share in it. A budget made up by the board of education, the Rotary Club, Women's Club, the Chamber of Commerce and other organizations, furnishes sufficient funds to provide for the employment during the summer vacation of one teacher in each school including the colored and parochial schools. These teachers devote their mornings to the supervision of the school and home gardens. The afternoons are given over to the playgrounds. In Covington where the schools had not undertaken gardening in connection with their work, a small group of boys had on their own initiative secured a small plot of ground and planted a garden, and displayed their handiwork with pride.

WORK PERMITS

Of the number of work permits examined the majority fell into two distinct classes. One group of children leave school on completion of the fifth grade; the other on completion of the eighth grade. Superintendents of schools said that one group attends school with apparently one aim in view—to secure work permits; the second reaches high school, becomes dissatisfied and goes to work. This conditions is not altogether true in Louisville where in 1917-18, 25.1 of the children receiving work permits had completed the fifth grade; 27.9 had completed the sixth grade; 17.5 the seventh grade; 19.9 the eighth grade and 9.9 were in high school.

The superintendent of schools of Newport has very carefully investigated the causes for which children leave school and go to work. The smallest number, he found, go to work because of necessity; the largest from choice; and others because they are retarded, lose interest in school work and seek employment.

IGNORANCE OF THE LAW

Indifference and lack of knowledge regarding the child labor law on the part of proprietors of business establishments in certain of the towns visited was amazing.

In Mayfield a visit was made to the following establishments in one morning: 15 general stores, two bakeries, two shoe stores, two hardware stores, three grocery stores, one general market, four drug stores, two moving picture theatres and two bowling alleys. The following questions were addressed to the proprietors exclusively:

Do you employ any children?
What is the age limit in Kentucky?
What are the educational requirements for work permits?
How many hours a day are children allowed to work?
How late at night is it permissible to work children?

In not one instance were these questions all answered correctly; in fact few of the men could answer any of them correctly and yet practically every man interviewed was employing children either full time or after school.

A proprietor of a general store said, "It makes no difference about boys—nobody pays any attention to them—but you cannot work girls later than nine o'clock at night nor more than nine hours a day." A grocer said he did not know the age of the boy he employed to deliver his packages and he did not know what hours were allowed by law, and added, "anyway, it makes no difference; his father is dead."

On the streets of this prosperous little town, 13 boys between 11 and 16 were interviewed one school morning. Not one had a permit to work. There was no truancy officer. The county superintendent of education said, "So far as we are concerned, the child labor law is a negligible quantity." The county judge said he had never had cases for violation of the child labor law brought into his court.

In a bowling alley in this town, though the law provides that boys under 16 are not to be employed in bowling alleys, a boy of 13, small for his age and in the third grade, works all day and until 10 or 11 at night. No reason could be found for his absence from school except that he did not want to go. Another bowling alley was employing boys—one 13 and one 15. Three boys under 16 were standing by watching the game at the time of this visit.

Two moving picture houses were inspected. One had no ushers, the other had two. The manager when asked about the ages of the boys whom he employed, replied, "Oh, any age will do—just so they have sense enough to seat the people." His two ushers, both under 14, evidently possessed the necessary qualifications. He worked them without regard to hours and until the theatre closed each evening. A baker rather resented the questions put to him and said he employed no boys under 16; a moment later a boy of 13 came from the rear of the shop and said he did not attend school but was employed to go out on the delivery wagon with the driver. Bootblacks of 12 and 13 work all day and until late in the evening.

The same questions were put to business men employing children in fifteen other towns, and the answers received indicated in many instances a very superficial knowledge of the child labor law. Louisville and Lexington were, in general, exceptions; all the merchants interviewed in these cities possessed very definite knowledge of the law's requirements.

A boy of 11 in Hopkinsville was working on a dairy wagon as assistant to the driver. He received \$3.50 per week which was in his opinion more important than school, although, according to the dairyman, his wages were not necessary. In a bowling alley in this city two brothers are employed; one is 12 and weighs 56 pounds, the other is 14 and weighs 55 pounds. Both are in the third grade. These children begin work at eight in the morning, their first duty being to sweep and clean up the building, and continue at work until ten or twelve at night. On the Saturday night preceding our visit the place did not close until one o'clock and the children worked until that hour. They have one hour off for dinner and one for supper. Their wages are \$1.50 per week, but if they take more than an hour for meals this amount is reduced. The manager when asked about this custom said it was necessary to do this in order to keep them from playing. The

father of these children, a blacksmith in the neighborhood, was interviewed. He agreed that the work was a little strenuous for the lads but he thought they ought to stick to it, saying he wanted them to be men. At 10:30 one night the investigator watched a game for a while; the manager himself was playing and exercised little patience with the children if they failed to set up the pins quickly; the boys were almost exhausted and dragged their weary little bodies about as though they were made of lead. On the day following this visit, one of the boys had his arm badly hurt—struck by a ball. The manager stated that the accident was due to the child's carelessness and said if he had been "on the job" the thing would not have happened.

Grocery stores and drug stores in this town employ boys of all ages without considering the need of work permits and with no regard whatever for hours. The superintendent of schools has received very few applications for permits and his predecessor left no records. A boy of 12 worked in a grocery store not three blocks away from one of the best grammar schools in the section. He left school when he was in the second grade and had not returned in three years. He goes to work at six in the morning and works until seven or eight in the evening and on Saturdays until nine. His wages are \$3 a week. Meeting the lad on the street one day, the investigator asked where he had been; he answered that he had been to the home of his employer's mother—it was part of his duties to go there each morning to cut stove wood. The boy was frail, in rags, underfed, not a ray of hope in his countenance. The shoe-shine shops here made no pretense of complying with the law.

In a small town in this section, two dry-goods stores, four grocery stores, two drug stores and two produce houses were visited during the hours of school. Every store was employing boys from 11 to 16. Three small boys, one 11 and two 13, were delivering packages. A small boy of 11 worked from 6:30 a. m. to 6 p. m. for a grocer. The principal of the school said he attempted to enforce the compulsory education law and thus get this child back in school but had failed. The merchants showed total ignorance of the child labor law but ventured the opinion that it was a bad thing; on the other hand, all were entirely familiar with the new dog tax law. A feeble-minded boy of 12 worked in one of these stores.

In Greenville practically the same conditions prevailed. The proprietors of the general stores when asked the usual questions, replied, "I don't know." These men were employing boys of 10 and 12 as delivery boys and general helpers. A picture show here employed a girl of 14 to sell tickets; she received for her services tickets of admission for her family.

No work permits had ever been issued in this town and the su-

perintendent of schools said there were at least 75 children out of school without valid excuses. He himself manifested little interest in the enforcement of the law and had little knowledge of its requirements.

In Central City, only three permits had been issued during the year, yet many children were out of school and the superintendent said the child labor law was not enforced. At the time of this visit a carnival was being held and a number of boys had quit school for the week's gaities, most of them working for restaurants, cafes and side-shows at the usual wage of 50 cents a day. Some of these boys came from well-to-do families and there was no need for this withdrawal from school. Carnivals were widespread in the state at the time this study was made and we had occasion to observe their methods in many towns. One of the favorite forms of amusement was wrestling matches staged with small boys of the community. Betting was freely engaged in and prizes awarded the winners.

A lad of 13 was found working regularly in a shoe-shine parlor and received for his services the tips of customers. The proprietor in great glee announced that he was within the law because he paid no wages to the child. Two boys of 15 were employed in a restaurant; no permits were on file and the boys worked 10 and 12 hours a day and seven days a week. A boy of 14 was employed as lineman for a telephone company. Other small boys worked for pressing shops.

In Owensboro, two boys of 14 were employed as ushers in a theatre and were seen at work late in the evening. The law provides that no child under 16 shall work after 6 p. m. A number of flagrant violations were noted in this city and the school authorities deplored the lack of adequate inspection. A boy of 15 was working for a meat market until 11 on Saturday nights; other nights the shop closed earlier; he had no permit and had not finished the fifth grade. A transfer company used boys under 16 to drive its taxis, and a garage employed boys of 14 without permits and worked them until late at night.

A number of grocery stores and drug stores used small boys to deliver packages. Some of these worked only after school but all worked late on Saturday nights. One drug store proprietor had a permit on file for his delivery boy and permitted him to work not later than 6 p. m.; he spoke of the lack of co-operation on the part of his competitors. Six drug stores were violating the law. One drug-gist had been called into court at the request of the truancy officer and given warning by the county judge to stop this offense; in less than a week after the warning the officer said he was violating the law again. At the time of this visit he was employing a boy of 13 at the soda fount, and though the boy attended school he worked very

late at night; Saturday night he was seen serving customers at 11 o'clock. It is significant to note that the county judge said this form of occupation was causing more delinquency than any other one thing in the city.

Boys of 15 who had no permits worked for laundries. A small broom factory was visited and two boys of 12 and 14 were at work. It developed that these children were sons of the proprietor who had kept them from school on account of some rush orders and they did not return, preferring to work. A ten-cent store employed a 14-year-old girl until nine o'clock at night. A printing shop worked boys without permits.

In Hawkinsville a boy of 12 was employed in a store from seven in the morning till six in the evening. He received \$1.50 a week. He was seen lifting very heavy cans of kerosene—far too heavy for his frail little body. School was then in session.

In Henderson there were few employers not familiar with the provisions of the law and all manifested some interest. Some children were employed, however, as errand boys and laundry drivers in violation of the law. These were pointed out by the superintendent of schools, who related the difficulty he encountered in trying to prevent this practice.

In Bowling Green the truancy officer was wholly unfamiliar with the requirements of the child labor law yet he was sure it was not being violated. The merchants were interviewed with the following results:—

A milliner could answer none of the questions asked about the law but admitted that she employed small boys to deliver her hats. She remarked that the boy who had been working for her had quit, and added, "If he doesn't come back, I'll have to get me another little fellow." She never bothered to get permits.

A druggist was not familiar with the law and said he did not have to post himself for the reason that he used no children under 16. He was then employing two boys and while they were really 16, they had been working for him over a year and consequently were out of school for that time.

Another drug store employed small boys without permits until about 10:30 on Saturday nights. A drug store proprietor thought it entirely unnecessary to bother about work permits. He had secured a verbal permit from the parent of his delivery boy as a "matter of protection to himself," also the parent's consent to work this 13-year-old boy until 10 o'clock every other night.

A small boy was employed in a shoe store. When the proprietor was asked whether he did not have to keep on file a permit to work a lad of that age, he replied, "I reckon not; he just comes down and

goes to work and has never said anything about a permit."

The proprietor of another drug store assured the investigator that there was no such thing as a child labor law on the statute books. A girl of 15 worked in a confectionery store until 10 or 11 at night. A boy of 13 was also employed here. His hours are from seven to nine and after his day's work he walks to his home a mile and a half in the country. A steam laundry employed a girl of 15 without a permit; she works ten hours a day.

In Frankfort and Lexington unusual conditions were found. The superintendent of schools at Frankfort was issuing badges instead of work permits and designating hours on the application blank which do not conform to the statute. In Lexington the truancy officer was issuing temporary permits to children under a system devised by himself which seems certainly not to have been contemplated by the legislature.

The truancy officer in Frankfort performs also the duties of public school nurse and finds time to acquaint employers of children with the requirements of the child labor law. She complained of a lack of co-operation on the part of the state inspectors. The newsboy situation was acute and violations of the law were noted in grocery stores, moving picture theatres, drug stores and telegraph offices.

In Lexington all employers of children visited were familiar with the law. One of the inspectors lives in the city and has kept the child labor law in the foreground. There were some violations, however, for small boys without permits were working and the inspector feels that public sentiment does not sustain her in her efforts to enforce the law. She complains also of a lack of co-operation on the part of court officials.

Louisville, the largest city of the state, naturally has the largest number of child workers, yet fewer violations of the law were seen here than elsewhere. This may be explained by the fact that two state inspectors reside in Louisville and practically all their time is devoted to this immediate territory, and to the further fact that the city schools maintain an excellent force of truancy officers whose work is closely co-ordinated with that of the inspectors. The chief employers of children are the department stores, the woolen mills and paper and other factories.

The number of children going to work in Louisville, as in other localities, is far greater since the beginning of the war than formerly. Many parents put their boys and girls into gainful occupations because wages were high. The truancy officers here, as in other towns, said many children secured employment during the influenza epidemic and a good many could not be persuaded to return to school although they were required to obtain work permits.

A survey of Richmond revealed the fact that little attention was given to the child labor law. Only three permits had been issued during the year, although quite a number of children, some under 14, were employed by business houses, some regularly, others only after school. No attention was given to hours of employment.

In the mountain section a special study was made of children employed in mines, but attention was given as well to child labor in other lines in Pineville, Harlan and Lynch. In Pineville a public official charged particularly with the care of children was employing regularly in his store a boy of 14 who was seen at work on three different occasions as late as nine and ten in the evening. Other mercantile establishments were violating the law. Much complaint was heard of truancy and delinquency.

Harlan had a good truancy officer who complained of lack of support by the state labor department in the matter of enforcing the child labor law. The superintendent of schools submitted correspondence to show that he had again and again sought the co-operation of the inspectors but had failed to receive a single visit from either the labor inspectors or the mine inspectors.

Lynch, a new mining town in the heart of the Cumberlands, had also child labor problems involving gross violations of the law. At the time of visit, young boys, one of them 13 years old, were used to carry water to gangs of construction men. This practice was stopped by the officers of the company when their attention was called to it. In a bowling alley two small boys, one nine and one 12, were employed to set up pins; they said in the presence of the manager that they worked until eleven at night. A second visit was made and another boy ten years old had in the meantime been taken on.

In Covington, Newport, and other Ohio River towns much complaint of truancy was heard and children were found employed in stores and other places without any regulation whatever. Boys of 13 were driving delivery wagons; small girls were moulding ice cream into bricks and packing it for a confectionery establishment for 15 cents an hour. They worked only after school but were standing on wet floors the entire time. The shop was in the rear of a saloon which was open at the time. A druggist here said the law did not apply during summer. A state labor inspector lives in Covington.

MESSENGER SERVICE

Not all the danger of employment in messenger service is confined to the delivery of telegrams. In one town a milliner dismissed a small boy whom she had been employing to deliver her handboxes. He had a work permit, so she was asked the cause of the dismissal, and replied, "My business is to sell hats; I do not choose my cus-

tomers, but I have made up my mind never again to send small boys to certain customers in certain districts where it is often necessary to deliver hats. My conscience will not permit it."

In Frankfort, a boy under 14 was employed by a telegraph office. Another boy was wanted so a sign was put in the window which read: "Wanted, a boy from 5 to 9 p. m." A lad of 13 years applied, saying that his father had agreed to his employment. That ended all discussion until the investigator brought up the subject, whereupon, an interesting situation arose. The boy applied to the superintendent of schools for a work permit and his clerk filled out an application for a newsboy's badge, striking out the word sell and writing the words "work at * * * Telegraph Company between the hours of 5 and 9 p. m." Thereupon a badge prescribed for street trades was issued but no record of age or of educational requirements was filed as is prescribed for the issuance of permits. A visit to the superintendent's office brought out the fact that this was not unusual and that many boys had received badges instead of work permits with the understanding that they would be permitted to work the number of hours named in the application blank. Another telegraph office was employing boys under 16 without permits. Both managers stated that at no time had an inspector visited their offices.

In Lexington a young boy was working long after the closing hour fixed by law. No violations were seen in Paducah. In Mayfield the manager of one office said he was not familiar with the law and did not know the age of the boy he employed; in the other office, a boy 16 was employed to carry messages after school and on Saturdays.

The manager of one company in Hopkinsville was thoroughly familiar with the law and no violations were found in his office. In the other exactly the opposite was true—boys of 14 worked nine hours a day and until nine at night. In Owensboro both companies had work permits on file for the boys they employed but both permitted these boys to work until 9 p. m. In Henderson one company employed a lad under 14 until 9 p. m. but through the persistent efforts of the superintendent of schools the manager was persuaded to discontinue this practice. In Covington one office employed three boys without the required permits until late at night. Neither the law nor the schedule of hours was posted, and yet the manager said, "We always keep up with the law." A state labor inspector had an office three blocks away on the same street. In Louisville no violations were seen.

STREET TRADES

The child labor law has two sections dealing with street trades. They apply only to cities of the first, second and third classes, and provide that no boy under 14 years of age and no girl under 18 shall be

employed, permitted or suffered to work in any occupation pursued in any street or public place. Boys between 14 and 16 before engaging in such occupations must first secure from the school authorities permits which, in this case, are badges furnished by the state superintendent of public instruction to the local superintendents. Until he is 16, a boy may not engage in street trades before six o'clock in the morning or after eight o'clock in the evening.

Conditions were noted in cities of all classes but particular study was given to those obtaining in the cities affected by these provisions. A bulletin issued October, 1918, by the Kentucky Department of Education reports one city of the first class; four of the second class; and seven of the third class. Of these 12 cities, to which the sections regulating street trades apply, only one-half were issuing the badges prescribed. No pretense of enforcing the law was made in the other six.

In Louisville, the only city of the first class, complaint was freely made that the law was being violated. Failure of boys to wear their badges while selling and the trading of badges among themselves were frequently encountered. Many boys work later than the hours specified by law; a lad of 11 was selling papers at the depot one night at 10 o'clock. In 1916-1917 the number of badges issued by the truancy officer was 712; in 1917-1918, 244 were issued. The figures for 1918-1919 were not available at the time of the visit but the school authorities said that the applications were still falling off.

Covington, Lexington, Newport and Paducah make up the list of second class cities, that is, cities having a population of over 20,000. Each has a compulsory attendance officer, but Lexington alone makes any effort to enforce the street trades clause. Here the truancy officer issues all work permits and newsboys' badges and the state labor inspector residing in Lexington is diligent in the discharge of her duties.

In Lexington an investigation of the school work of newsboys was undertaken. Seventeen were selected and their standard was rated A, B, C, D, etc. The highest average in the group was C, and only seven made this grade; the others were rated below C and occasionally the teacher added, "Work very poor in all respects." The truancy officer here is also probation officer; he states that 25 per cent. of all the boys engaged in street trades come sooner or later under the jurisdiction of the juvenile court, and that of all the children employed in Lexington not 10 per cent. contribute anything whatever to the family income.

The state labor inspector said, "The first violation I noticed after my appointment was that of a 13-year-old boy selling papers before and after school. He failed to pass his grade that year."

A principal of one of the schools relates that a small boy came

to school one morning, his face beaming with joy. He was wearing a new outfit from head to foot and proudly said, "I bought these clothes with money I made selling papers. I have more money in the bank." The principal doubted then the wisdom of the child labor law and bestowed upon the lad hearty approval for his industry, but on visiting this boy's class room later, he was dismayed to find that he had failed to make his grade. His teacher said he had no interest in his school work, his only thought being to get away and begin selling papers.

In Paducah the truancy officer, who issues work permits, said of badges, "Though we have written twice for a supply none have been furnished us, so of course no badges have been issued." Violations were numerous, yet the probation officer said there had never been a case of a violation of the streets trades clause brought into the juvenile court.

The manager of a morning paper was employing 13 boys who came to work at four in the morning. A visit to their teachers brought out the following facts regarding their school work:

Charles	Failure last semester. Often sleeps during class.
Austen	Indifferent. Only fair in any study.
H. J.	Indifferent.
Harry	Indifferent.
Estell	Failed last year. Truant. Nervous, but doing better lately.
Clifford	Not good work except in spurts.
Clifford C.	Often tardy. Absent altogether some mornings. Has to be coaxed along.
Austen	Indifferent. Failure last year.
James R.	Indifferent. Headaches. Smokes. Truant.
Zenus	In same grade two years.
James K.	Good work.
James C.	Good work.
John	Good work.

The manager said he employed only boys of 14. Asked as to how he determined their ages, he replied, "Oh, I judge by appearances."

In Covington and Newport the situation is acute. The Cincinnati evening papers, the Post and Times-Star, issue Kentucky editions. They maintain offices in Covington with local editors and business managers, but all printing is done in the Cincinnati offices. The papers brought over for distribution in Kentucky simply have four additional pages. The first edition comes out about noon; the second about the middle of the afternoon; the third, known as the "baseball edition" of the two papers, is issued in the afternoon during the summer when the games are finished and the press is able to print the results.

Boys were found leaving school at noon to sell the first editions. Boys and girls of tender years were running up and down the streets disposing of the early editions and remaining on the streets until the last edition was sold.

The managers of both papers were interviewed and quite frankly declared that conditions in Ohio and Kentucky were different, and that while it was easy to regulate street trades in Cincinnati it was out of the question to do so in Covington and Newport. In Covington a four-year-old bought papers from one manager in the presence of the investigator and went out on the streets to sell them.

Not only were small boys seen on every hand selling papers but little girls were also engaged in this occupation despite the fact that the law prohibits street trades for girls under 18. Irene, nine years of age, sells from three in the afternoon until eight in the evening and oftentimes later. She is a very well-developed child and because of her street experience is much too wise for her years. She said she was in the fourth grade at school, yet she found it hard to count her change. Melvin, although himself only 11, said of Irene, "It ain't right for girls to sell papers." He was asked for his reasons and said, "They gets tough and heaps o' things." One little girl of six was helping her brother; and four others like her were seen on the streets selling papers one afternoon.

The last edition of the papers is brought over from Cincinnati to the end of the bridge on the Covington side for distribution. On one afternoon the investigator saw 33 boys here waiting for their copies. Six of this number were 14, the others were between five and 14.

The superintendent of schools of Newport said he and the superintendent of the Covington schools once attempted to have the law enforced and ordered badges issued as permits. Immediately the newspapers in Cincinnati entered a vigorous protest, nor could the co-operation of the local authorities be enlisted, so the undertaking resulted in failure. A former state labor inspector related a similar experience, saying he, too, failed to secure the support of the authorities and the commonwealth attorneys refused to prosecute.

In Hopkinsville no badges had been furnished to the superintendent of schools, so none had been issued. The children sold papers entirely without supervision or regulation.

The superintendent of schools at Owensboro said that each year he had secured badges from the commissioner of labor by making written request for them. In 1918 twenty-five badges were issued; in 1919 up to April 1 only nine had been renewed.

Badges are not used in Henderson and the manager of a daily paper seemed greatly concerned about the matter when he heard of the investigation. He was surprised to hear of the law. In Bowling Green boys of all ages and sizes were engaged in street selling. When

interviewed, the manager of one of the papers said, "The child labor law no longer applies to carriers and sellers. The whole section regarding newspapers was cut out of the law at the last session of the legislature. It was absurd and had to come out. In Louisville you will see boys of 11 and younger on the streets now, but when the law was in effect they had to be 14." At that moment his own carriers were coming in. Some were as young as 10. The superintendent of schools here issued 14 newsboys' badges in 1918-1919.

The section relating to street trades does not apply to cities of the fourth class. Conditions far from desirable were found in certain of these cities. In Richmond two little girls 10 and 14 had regular routes for the delivery of the local daily paper. The truancy officer was rather proud of them and had them come from their class room so that the investigator might have a personal interview with them. He said they turned over their earnings to their mother, who bought their clothes with it. Investigation brought out the fact that the father receives fairly good wages. The truancy officer admitted the danger to which these girls were exposed and said that oftentimes on dark winter evenings when the paper was late coming from the press and the children were late reaching home, he sent his young son to accompany them on the long trip ahead.

In Mayfield a boy of 12 stays out of school every Friday to deliver papers, and strangely enough the compulsory attendance law does not meet this situation. In Glasgow, a boy of 10 sells papers from six until nine-thirty each morning and his teacher accepts his work as valid excuse for his tardiness. He was pale and tired and his school work was poor. His brother of 13 sells papers in the evening. Paul, a lad of nine years, meets a four o'clock train in Pineville each morning for his papers. He also sells in the afternoon after school.

ADMINISTRATION AND ENFORCEMENT

For the purpose of enforcing the child labor and working women's laws, the General Assembly has provided as follows:

In the Bureau of Agriculture, Labor and Statistics there shall be appointed by the Commissioner, with the approval of the Governor, two labor inspectors and two assistant labor inspectors. One of said inspectors and one assistant inspector shall be men having practical knowledge of factories, machine or work shops, and the other inspector and assistant inspector shall be women, and said inspectors and assistants shall be under the supervision of the Commissioner.

Section 8 of the child labor law provides that:

Truant officers may visit mines, factories, mills, workshops, mercantile establishments, stores, offices, printing establishments, bakeries, laundries, restaurants, hotels, department houses, theatres, and moving picture establishments, in their several towns and cities and ascertain whether any minors are employed therein contrary to the provision of this act, and they shall report any such cases of any such employment to the superintendent of schools and to the labor inspector or other authorized officer of the state.

This provision for the co-operation of those employed by boards of education to enforce the compulsory attendance act, with officers charged with the enforcement of the child labor law, is one of the best features of the law. In cities having active truancy officers the extent of child labor is much less than in cities where there are no such officers.

Labor Inspectors

The Commissioner of Agriculture, Labor and Statistics has offices in the capitol at Frankfort, as have other state officials, but the headquarters of the chief labor inspector is in Louisville and all business relating to labor is transacted there. At present, two labor inspectors, including the chief inspector, reside in Louisville and devote their time to this city and its environs; one lives in Lexington and has the surrounding territory, embracing about 30 counties; one in Covington, who has for his territory the river counties of that section. The division of territory, however, is not well defined and it is more or less difficult for the inspectors themselves to determine the boundaries of their respective districts. This scattering of forces has been made necessary because of lack of funds to meet expenses.

Funds

The entire appropriation for the Bureau of Agriculture, Labor and Statistics for the year 1916-1917 was only \$30,000. In 1918, an emergency fund of \$10,000 was appropriated, but even this amount applied to the many activities of the department has not been sufficient to enable the labor inspectors to cover their districts adequately. For the period of twelve months from July 1, 1916, to July 1, 1917, the expenses of all four of the inspectors amounted to \$540.86 (figures for 1918-19 were not available at this writing). The inspector residing in Lexington said she rarely left that city and goes out into her territory only after complaints have been made to her; even then, she waits for permission from the commissioner before making the inspection and incurring the expense. She has never visited much of her territory. A former inspector living in Paducah resigned because

of the small salary received. He now enforces the "dog tax law" enacted at the last session of the legislature, and receives for his services exactly twice the amount paid him as chief labor inspector. (This work also is under the supervision of the commissioner of agriculture, labor and statistics.) Another inspector, residing in Covington, is engaged in private business as an undertaker and devotes a large part of his time to his own affairs. The investigator made frequent visits to his office and then obtained an interview only after having waited a long time for him, when she was given simply a few moments.

The inspectors are rarely assigned definite work, but outline their own programmes. They do not make reports to the chief inspector except on demand; neither do the superintendents of schools, who issue work permits, make regular monthly reports to the department of labor, though this is required by law. The chief inspector said, "After making a special crusade, reports come in, but there is no continuity; no obligation is felt." The superintendents in turn complained that the reports once sent were never acknowledged, so they took little interest in the work. One man who has been a school superintendent in Kentucky cities for 14 years has never sent in a report and thinks the requirement absurd.

A thorough reorganization of labor administration with sufficient funds to carry on the work, is essential to the enforcement of the law. Clerical assistance should be provided for the chief inspector and traveling expenses in keeping with their work allowed to all the staff. Four labor inspectors, given adequate traveling expenses and a definite plan of work, could quickly alter the present situation. Especially so if truancy and probation officers are encouraged to co-operate with the department; every such officer interviewed, expressed an earnest desire to see the child labor law enforced and also his willingness to co-operate in all respects with the state officials.

Work Permits

There is no more important work in connection with the enforcement of the child labor law than the issuing of work permits, and any state which disregards this fundamental fact and depends solely on inspections for results defeats in a large measure the purpose of the law. Work permits are issued by superintendents of schools, and under the act the printed forms and other papers required are drafted by the state superintendent of public instruction and furnished by him to the local and county superintendents. The state superintendent pays for all printing, but by agreement, the commissioner of labor pays one-half the cost of the newsboys' badges. Neither of these departments undertakes to supervise or standardize the issuance of

work permits and each officer visited was found to be issuing permits in accordance with his own interpretation of the law.

Documentary evidence of age is rarely filed in any city except Louisville. As a rule, superintendents depend on either the school record or the school census for evidence of the applicant's age. They themselves deplored the inaccuracy of both these records. The law provides that in the absence of documentary evidence of age, the school record or parent's affidavit may not be accepted unless a certificate signed by a public health physician or public school physician specifying what, in his opinion, is the physical age of the child, is filed. This certificate is to be accompanied by the parent's affidavit and a record of age as given on the register of the school or in the school census. Rarely was the affidavit of the parent filed, but merely the school record, and the physician's certificate of physical age was only a statement that he believed the child to be 14. Weight and height of children were not shown on any physician's certificates seen anywhere in the state, although this is required by law.

In Louisville, the blank forms issued by the state superintendent of public instruction have not been used for a number of years. With the approval of the city board of education, and the state department of labor, an excellent system of issuing permits has been evolved. The chief truancy officer issues all permits and the local board of education furnishes all blank forms as well as the newsboys' badges. Louisville has a force of six truancy officers under the direction of a chief who are in close touch with the labor inspectors residing here.

Recently a special agent was employed to study the nature of occupations which children enter, the conditions under which they work, the effect of work upon their health, the cause of frequent shifting from job to job, and the general attitude of employers toward the regulation and prohibition of child labor. This study proved of incalculable value to the public schools. It is important to note that through investigations made in the homes of applicants for work permits, adjustments were often made and fully one-third were held in school. The special agent was not employed the whole of the last scholastic year, but the board of education expects to take up this work again next year.

When a child makes application for a permit in Louisville, he is asked this question: "What is your reason for leaving school and going to work?" The following answers were given in 1917-18: 36, finished school; 875, economic need; 283, disliked school and preferred work; 393, vacation; 19, illness; 11, over age; 12, special opportunity; seven, temporary.

In Lexington, the truancy officer, who issues all work permits with the approval of the commissioner of labor, has devised a plan

for issuing temporary permits. The applicant simply brings a statement from the employer that he intends to employ the child. The officer files no other evidence, but issues a temporary permit which allows the child to work after school although the law does not authorize this. In one month in the last scholastic year 115 temporary permits were issued for work in delivery service, laundries, bottle washing, messenger service, shoe shining, printing, bottle labelling, newspaper selling, ushering, bundle wrapping, clerking, hospital work, bookkeeping, driving, bottling, office boy and bell-boy.

Following up some of these it was found that children are regularly employed on these so-called temporary permits. In view of the few inspections and general lack of co-operation it is difficult to determine just how many temporary permits are used for steady employments. The practice is responsible for much confusion on the part of both the employer and the child. No evidence of age is filed (the school census is looked up), so at one time the inspector residing here was spending practically all her time getting up evidence to show that many children at work with these permits were under age. This should not have been necessary. The investigator looked up a boy who had been given a temporary permit to work as a bottle washer and found him working full time at a distillery.

In Frankfort a new superintendent came into office January 1, 1919, but up to March 15 only two permits had been issued. The unusual custom here of issuing newsboys' badges instead of work permits has been spoken of before. William made application for a work permit, bringing with him a note from his father, which read: "I wish you would please issue William a permit to work at ——— drug store after hours." The boy then filled out the application blank provided for newsboys; the word "sell" was stricken out and the word "clerk" filled in, and the hours were indicated as "between the hours of 6 p. m. and 9 p. m." Then a newsboy's badge was issued to this lad instead of a work permit. Another boy was given permission to work for the Postal Telegraph Company until 9 p. m., and another for the Western Union Telegraph Company from 5 p. m. to 9 p. m. Joe applied for a badge, bringing a note from his mother; the school record only was taken as evidence of his age. Eleven badges had been issued to boys to engage in occupations for which permits were required, and in each case the boy was permitted to work after 6 p. m., a violation of the law.

In Paducah work permits are issued by the truancy officer, who carefully investigates economic conditions in the homes of children making application before the permits are granted. A word of advice to the parent, a bit of encouragement to the child, and further schooling is often insured. This practice prevails in other cities. No person is in closer contact with all the children than the truancy officer, and

in connection with his other duties the issuing of work permits might well be entrusted to him.

In some instances the discrepancy between the number of permits issued and the number of children out of school is difficult to understand. In Mayfield only 12 permits were issued last year. In Hopkinsville the superintendent of city schools had issued only four within the year although 97 children on the census returns were out of school.

By far the greater number of establishments employing children in Hopkinsville are within the city limits, and the law provides that county superintendents shall issue permits only where there is no city superintendent, but in this instance the county superintendent issued more than four times as many as the city superintendent. The clerk of the county superintendent, who has charge of this work, requires as evidence of the age of applicants only the school census record, saying, "We are rather particular about those things." No school record is filed and it was frankly admitted that permits were issued with no definite knowledge of the child's educational attainments. The records show that in 1918-19 permits had been issued to nine children to work for tobacco factories, although the law prohibits the employment of children under 16 years in such places. The principal of a school in another community in this county said that children were granted work permits by simply making requests in writing to the county superintendent.

In Greenville the superintendent of schools issued no permits last year and received no applications. He stated that 75 children were out of school and he knew of no good reason for their absence. In Central City only three permits were issued during the year and many children were out of school.

In Owensboro permits are issued with great care, yet vacation permits were seen on file instead of the regular permit. A ten-cent store employed a 14-year-old girl who was given a vacation permit in June, 1918, and who had no other permit in April, 1919; she had worked continuously. This condition was noted in every city where instead of the regular permit a temporary one had been granted. No provision is made in the law for this temporary permit, which is issued without requiring an educational certificate and without having children apply in company with their parents.

In Richmond work permits are issued by the truancy officer, who dispenses with all the formalities prescribed by law. His rule is to give a permit if there exists any need in the family for the child's wage. A boy of "about 14" dropped out of school with the officer's consent to assist his mother; he was a bright boy, loved school and was a good student. The truancy officer and the superintendent heartily commended him for sacrificing his education and both agreed

that it was much better for him to grow up out of school than to accept "charity." Here, as in several other cities, the county superintendent issues permits when it is clearly the duty of the city superintendent to perform this task. He files no evidence of age or records of any sort; the parents of children simply come to his office and make verbal statements regarding the ages of the children. The superintendent said he had never received any communications from the department of labor and his predecessor left no records.

Newport ranks next to Louisville in the care exercised in issuing permits. For the year 1918-19, 175 applications had been received, 25 of which were denied. The superintendent here keeps the most interesting and up-to-date records seen anywhere, except in Louisville, and he would welcome the co-operation of state officials.

MINES

The principal mining interests of Kentucky are bituminous coal mining, the production of petroleum and gas, and limestone quarrying. The bituminous coal mine products far exceed the others in value and the marked increase in the output of commercial coal in the last 10 years may be indicated by comparing the output of 10,583,000 tons in 1909 with 32,000,000 tons according to the latest available report.

The state inspector of mines, for the purpose of enforcing the laws pertaining to mining, has divided the state into eight inspection districts—two in the western coal field and six in the eastern, and has assigned an assistant mine inspector to each.

The state child labor law prohibits the employment of children under 16 years in any capacity in, about, or in connection with any mine, coke oven, or quarry, and specifies that this provision shall be enforced by the state inspector of mines and his assistants, who shall prosecute for violations. Truancy officers are authorized, under the law, to visit mines, as well as factories; however, no reports of any visits by them could be had, except in one case, and a lack of co-operation in enforcing the child labor law is apparent.

The Western Coal Field

In the western district Muhlenberg County was selected for study and 10 mines of varying sizes and capacities were visited.

The demand for child labor in mines is greater than generally supposed. Boys of 12 and 14 make good "trappers," foremen often testified. Trap doors are built in the cross sections to force the air down the entry, and ventilation is regulated to some extent in this way, the doors being guarded usually by boys. The work is generally looked upon as the least desirable from the standpoint of physical comfort. Boys are also employed as "greasers" and "couplers," but by far the greater number seen in mines were assisting their fathers

in loading coal. Little public sentiment for keeping them out of the mines was in evidence. "Boys are better off at work" was the general opinion, freely expressed.

Another factor contributing to the employment of boys in this field at the time was the fact that few of the mines were running full time. A man's income depended on the amount of coal he could load in two or three days out of the week, and the aid of his sons contributed appreciably. Practically all labor in western Kentucky is unionized, and although union labor does not encourage the employment of boys under 16 in mines, unscrupulous fathers make the statement that their boys are 16, and so secure their admittance. Age certificates are required by the operators only in rare instances. A negro boy who said he was 13 was seen going into the mine at 6:30 a. m.; his name appeared on the pay-roll as a trapper and his father had told the superintendent that he was 16. A small white boy was entering the mine at the same time, and said he was 15 in the presence of his father, who admitted the truth of the statement. The boy was loading coal with his father, and his name was not on the pay-roll; the superintendent maintained that it was not a violation of the law and admitted that this was not an unusual custom. The assistant inspector of mines for this district was present and said there was some doubt in his mind as to the advisability of this practice—suggesting that it might be a violation of the law. The superintendent stoutly disclaimed any responsibility and the boy continued his work.

The inspector for this district has never brought suit for violation of the child labor law, although he has done so for other offenses.

The teachers interviewed said very few boys remained in school until they were actually 16 years old.

The Eastern Coal Field

Bell County and Harlan County were selected for study in this region. The county superintendent of schools of Bell County said he had difficulty in keeping children in school on account of the demand for labor in the mines. He had a large number of applicants under 16, who were denied permits, of course, but he complained that the county judge often issued permits to children after he had refused to do so. The judge was immediately called upon, and made the following statement:

The opinion is abroad that I have authority to issue permits to boys to work in mines, and I receive a great number of applications. I understand that I really have no such authority, and I realize that my permit would not protect the operators in case of an accident, yet these children want to work, and with my permit the mines will give them employment. I am careful, however, not to give permits to boys under 10 years of age.

Last year he said he issued about 25 permits to boys between 10 and 16. No actual records are kept.

Harlan County

The superintendent of schools and the compulsory attendance officer at Harlan both testified that boys under 16 are regularly employed in the mines about this city. The records kept by the compulsory attendance officer were seen and the cause of absence from school in a number of cases was "Working in ——— Mines."

The superintendent of schools said he had made an honest effort to secure the co-operation of the state authorities in the enforcement of the law. He had on file in his office much correspondence which clearly substantiated this assertion. In 1917 the superintendent wrote the state inspector of mines as follows: "I am writing to inform you that children below the age of 16 are working in the mines in this section." The inspector answered and expressed surprise, referring the superintendent to the assistant mine inspector of that district. Immediately the assistant inspector was advised of the situation and replied, calling the attention of the superintendent to the scarcity of labor, but promising to look into the matter. Nothing more was heard from him, so a year later the superintendent again wrote, renewing his request and naming the operators violating the law. This time he was advised to call on an inspector recently appointed and living in the town of Harlan. A letter was at once addressed to this officer, but no answer was ever received.

The investigator sought an interview with the local inspector, who explained his work regarding safety appliances, drainage, etc. He said that he inspected for child labor and during his experience had put out of the mines some half-dozen boys under age. He had not made any prosecutions for these offenses and had not seen any boys for four or five months.

The following morning the investigators visited a mine within walking distance of Harlan, arriving at the hour the men went to work, and went in with them. The following boys were seen at work on this occasion:

John	14 years	Driver.
Edgar	14 years	Trapper.
Robert	15 years	Driver.
Major	14 years	Trapper.
Alfred	14 years	Loading coal with father.
Alvin	12 years	Loading coal with father.
Richard	13 years	Loading coal with father.
George	13 years	Loading coal.
Clarence	15 years	Loading coal.
George	14 years	Loading coal (was formerly trapper)

At the close of the day the foreman said that the father of Alfred and Alvin had earned \$14 that day by using his two sons. The father of Richard, age 13, said his son had been helping him since he was eight years old. In the camp or village here three women admitted that their small sons were employed in the mine. These are not included in the list above.

There was not an affidavit on file at the office, nor an age certificate, and practically half of these boys testified that they had been employed in other mines in the community, giving their names. This was borne out by the records of the truancy officer.

ATTITUDE OF COURTS AND OFFICIALS

The chief labor inspector, who resides in Louisville, has no hesitancy in prosecuting for violations of the law and has no difficulty in securing convictions, but in some other sections of the state the courts are less in sympathy with the enforcement of the child labor law. In one city the inspector filed a complaint of gross violation in the county court, but the judge declared he was too busy to have the case brought into his court, whereupon it was taken to the district magistrates. Number 1 would not have the case because it was out of his district; number 2 gave some excuse; number 3 was not approved by the solicitor; but at last it was heard by number 4.

In another city a prominent tobacco manufacturer was prosecuted. The judge trying the case ruled that there had been no violation for the reason that the children were *stemming* tobacco and not *assorting, manufacturing or packing* it.

In one county a former juvenile court judge is strongly opposed to the child labor law as applied to the employment of children outside of school hours and especially in street trading. He said that when he was judge the commissioner suddenly tried to enforce this section, although nobody had ever paid any attention to it before, and sent the word to newsdealers that they must comply with the law. The judge at once rounded up all the newsboys in town and said to them, "Boys, I hear that Mr. Cohen says you have got to stop work. Now, I don't believe in violating the law, but I know that your families need money and no jury would ever uphold Cohen in his attempt to take that money away from you. So here's what I'll do; you are to go to school every day and behave yourselves there and on the streets, and I shall have your teachers send me a report of your work every week. So long as I get a good report I'll promise to entertain no action against you or your employers."

An inspector prosecuted the manager of a meat-market for employing a boy of 13 after six o'clock in the evening. The jury brought in a verdict of "not guilty" because the manager testified that he

did not employ the boy but merely permitted him to work at the shop.

Some judges when interviewed expressed hearty sympathy with the law and out of their own experience related incidents of juvenile delinquency attributable to the surroundings under which the children worked. This was especially true of the judge of Daviess County. Others were less in sympathy with it and some even expressed the hope that it would be repealed or amended. Yet these gentlemen all said they were interested in the protection, education and development of *all* the children. They simply refused to see that premature labor is not good for them and that the competition between petty jobs and the public schools is a matter to be reckoned with now.

A court that does not support officials in the discharge of their duties leaves them wholly helpless. This was pointed out by a former labor inspector in Covington who said he never had been able to get the co-operation of either the judge or the solicitors when he attempted to enforce the street trades clause. Such discrimination in the enforcement of laws is the cause of the general indifference with which many of our laws are regarded.

WORKMEN'S COMPENSATION LAW

Section 30 of Kentucky's Compensation Act provides that:

In case any minor employe who is injured or killed, is, at the time of such injury, employed in wilful and known violation by the employer of any law of this state regulating the employment of minors, his statutory guardian, or personal representative of the minor so killed, may claim compensation under the terms of this act or may sue to recover damages as if this act had not been passed.

The latest annual report of the Workmen's Compensation Board shows that for the year ended June 30, 1918, 213 children 16 years of age received compensation for injuries sustained during employment; 30 children of 15 years of age, 10 children of 14 years, and two of 13 years, also received compensation. The report does not indicate the particular kind of work these children were engaged in, but, nevertheless, it clearly shows that the child labor law is not properly enforced when the state pays compensation to children less than 14 years of age. The law prohibits the employment of children under 16 in certain dangerous occupations, but as seen from the report, 51 children received compensation for injuries before reaching this age.

FARM WORK

Until the child laborer on the farm has been taken into consideration the task of securing protection and education to *all* the children will remain unfinished. The child labor law of Kentucky exempts in

the first instance children employed in agriculture and domestic service, so this study does not include occupations, but the report of an investigation made by the National Child Labor Committee in 1916 and published in March, 1917, under the title of "Farmwork and Schools in Kentucky," may be quoted from here:

The latest federal Census of Occupations, taken April, 1910, credits Kentucky with 64,692 child workers, 10 to 15 years of age, of whom 82 per cent. are reported as agricultural laborers, most of them on the home farm. The proportion of farm workers to the total number of child laborers is larger in the state than in the nation, those in agricultural pursuits in the entire country being slightly less than 72 per cent. of all those engaged in gainful occupations.

Although constituting the great majority of child laborers, these boys and girls on farms have never been considered as connected with the child labor problem. The popular conception of child labor is limited to employment for wages in factories, mines and stores, and the farm has long been looked upon as the ideal place for a child. This conviction has been strengthened by the revelations of bad conditions surrounding the city child, whether a worker in a factory, a trader in the streets, or a dweller in the tenements. . . . Whether or not the child on the farm is relatively so fortunate as he is pictured is a question that is beginning to be asked. A few comparisons of the health and physical development of city and country children have been made, and indicate that the former are stronger and less subject to disease than the latter, but no comprehensive findings are yet available. . . .

The only restrictions in the statutes of Kentucky that apply to child workers on farms concern their attendance at school, and these are somewhat contradictory. One provides that children between seven and 12 years of age inclusive, living in rural districts, except those not in proper physical or mental condition, shall attend school regularly throughout the common school term, unless taught at home; the other forbids anyone to employ a child under 14 years of age at any kind of work, at any time while the public schools where he resides are in session. There is a hiatus of one year between the maximum age of the compulsory education law and the minimum age of the child labor law—the 13-year-old child in the country not being required to attend school and yet not permitted to work at any occupation while the schools are in session. However, these laws are very generally disregarded in the rural communities, so this discrepancy is apparent only on the statute books. . . . Kentucky leads the states in the production of tobacco, which forms more than a quarter of its agricultural products. Farmers begin preparation for its culture in the winter, and the crop is marketed generally in the following autumn. . . . The number of acres a farmer can cultivate varies somewhat according to conditions, the average being about three acres, and in determining the number even a child nine years of age is considered a "hand." Although so young a child is not strong enough to perform as much work as a grown person in all the

processes of tobacco culture, in removing worms and suckers from the plants, he is just as active and efficient. Children commonly work as many hours as do the older persons—from sunrise to sunset—planting, hoeing, cultivating, worming, suckering, topping, cutting, spiking, housing and stripping. Indeed, the only task in tobacco culture which children do not perform is firing, which is done in the barn where the crop is housed, and requires the care and judgment of an adult.

The other farm work in which children help in the school term, and which thereby prevents their regular attendance at classes, includes plowing, cultivating and cutting corn, filling silos, threshing grain, picking berries, making hay, and drying apples.

The school term in the rural districts is usually seven months and schools often begin early in July so that they may be closed before the winter weather makes the roads impassable for the children. This period coincides with the busy season on the farms, particularly in tobacco culture, and in this conflict between work and school attendance the odds are at present in favor of the work.

The report cites many instances of children no older than eight and nine years, together with children of all ages, who work side by side with the adults on the farm and whose attendance at school is cut down to less than one-third in some cases and in others to such an extent as to be negligible. A natural consequence is general retardation among the farm children.

STANDARDS FOR OUR CHILDREN

Minimum standards for the protection and education of children do not remain fixed but vary from time to time with the growth of the public's knowledge and understanding of the problems they are intended to solve.

As a result of the world war, America, like other nations, has a keener realization of her duty to children, and it is safe to assume that the states will undertake larger and more constructive programmes for their welfare than have been considered. A series of conferences on child welfare held in this country in the spring of the present year, under the auspices of the Children's Bureau, brought together representative men and women from several countries. The standards for the health, education and work of the American child, in the light of present conditions, were fully discussed and minimum standards determined. According to these standards, 16 years is the lowest age at which a child should go to work, except that during vacation children between 14 and 16 may be employed in agriculture and domestic service. Children between seven and 18 years should have nine months of school, either full or part time, each year. A child must have finished the eighth grade in school and be actually 16 years

old before he may be employed. If he goes to work at 16 education must be provided for him during the next two years at day-time continuation schools. The work-day of minors should be never longer than eight hours. They should not be allowed to work at night or in hazardous occupations. A child should never be allowed to go to work until he has had a physical examination by a public health or public school physician and has been found to be of normal development for his age and physically fit for the work at which he is to be employed. There should be a periodical medical examination of all working children under 18 years of age. Provision should be made for advising children when they leave school regarding employment, and assistance in finding suitable openings should be given.

It is recommended that these standards be adopted in Kentucky as soon as practicable, for it is only through such measures for the well-being of her children that their normal growth, training and happiness can be assured.

The state child labor law should be enforced by a state department of labor. The present Bureau of Agriculture, Labor and Statistics should be divided so that one of its parts may become such a department and include among its activities the inspection of mines as well as the enforcement of labor laws. Given a well-organized state department with a commissioner of labor at its head and sufficient salaries and funds for traveling expenses, the number of labor and mine inspectors now employed could do far more effective work.

JUVENILE COURTS

MABEL BROWN ELLIS

The state of Kentucky affords an unusual opportunity to study a juvenile court law in operation against widely varying psychological backgrounds, for the trail which leads up from the river towns of the Mississippi and the Ohio, through the Blue Grass and the Pennyrile, to Breathitt County, the mining camps of Bell and Harlan, and the remote hills and hollows of Appalachia passes with startling rapidity from the standards of the twentieth century to ideals which were old when Daniel Boone crossed the Cumberland Gap.

Essentially, the juvenile court is a thing of the spirit. It has always been possible for an intelligent and sympathetic man upon the judge's bench to mitigate, for a child, the harshness of a system of procedure designed for adults. It is equally true that the best juvenile court law ever written can be so administered that every principle in accordance with which it was conceived is daily violated. And for this, the presiding justice cannot be held wholly responsible, since it is unwise for a judge to take action which is too far in advance of the public sentiment of his community.

The purpose of this study is to discover what the communities of Kentucky expect of their county judges, upon whom the law of the state imposes full responsibility for the care of delinquent, dependent and neglected children, how the judges are responding to these expectations and whether strengthening the law itself might teach the community to demand and get higher standards of administration.

Standards of Juvenile Court Work

As recently as 10 years ago it would have been difficult to formulate standards for juvenile court work which would have been certain of acceptance the country over. The 33 states which had, by 1909, enacted juvenile court laws, still saw the courts which they had established struggling along with inadequate staffs, supplemented by volunteer service of uncertain value, and working more or less as isolated units, out of touch both with other social agencies and with similar courts in other cities. The New York State Probation Commission was only two years old; the Massachusetts Commission, one year; and the National Probation Association, which has led the movement toward standardization of probation work, was barely two years of age.* The case-work method of approach to social problems

*The National Probation Association was organized in Minneapolis in 1907.

had hardly begun to be applied to the practice of the courts and no court clinics for the detection of mental abnormalities were as yet to be found.*

But the calling of the White House Conference in 1909 marked the beginning of a national movement toward higher professional standards among child-caring agencies and the establishment of the Federal Children's Bureau in 1912 offered a means by which information could be gathered concerning special groups of children, among them the dependent, neglected, and delinquent. One of the early undertakings of the Bureau was to join hands with the Committee on Standards of the National Probation Association in a study of courts having jurisdiction over children's cases which included not only juvenile courts proper, but such other courts as are, in certain states, handling a considerable number of children. The results of that investigation, which gives a bird's-eye view of the development in the United States of the children's court idea during the first twenty years of its existence† are now available. Through the courtesy of the Children's Bureau, the National Child Labor Committee has been allowed to consult the manuscript of this report in advance of publication, and has drawn freely upon it for comparison and suggestions.

A desire for comparison and analysis is characteristic of the trend of thought in social work within the last decade. The same enthusiastic imitation which successively carried juvenile court and mother's pension bills through the legislatures of a majority of the states seems now to have turned toward the creation of children's code commissions. We are entering a period of planned, instead of haphazard, social legislation. We are trying to measure the results of the laws we already have and to see wherein we can improve them. This means a definite effort to establish and test standards for juvenile court work, as well as for other kinds of social activity.

The most recent effort to define such standards was made by a group of experts assembled in Washington during the first week of May, 1919, at the invitation of the Children's Bureau. Here representatives of the best known American child-caring agencies met the officially appointed representatives of France, Belgium, Great Britain, Japan, Italy and Serbia in a conference the purpose of which was to "formulate and to publish standards for the better protection of the children of America and of the world."

That section of their conclusions which relates to the juvenile court follows, the numbers in parenthesis having been inserted by us for ease in future reference. These suggestions are, as the Bureau

*Juvenile Psychopathic Institute, Dr. Wm. Healy, director, began work in the Cook County (Chicago) Juvenile Court in 1909.

†Courts in the United States Hearing Children's Cases, U. S. Children's Bureau Publication No., Dependent, Defective and Delinquent Classes, Series No., Washington, 1919. (In Press).

points out, to be regarded as tentative only and as the lowest consistent with safety, not as the highest to be desired. It is nevertheless of considerable interest to see how present practice in Kentucky compares with the minimum standards for effective work as set forth by the Washington Conference.

The Washington Conference Standards

"Every location should have available a court organization providing for (1) separate hearings of children's cases, (2) a special method of detention for children, (3) adequate investigation for every case, (4) provision for supervision or probation by trained officers, and (5) a system for recording and filing social as well as legal information. (6) In dealing with children the procedure should be under chancery jurisdiction, and (7) juvenile records should not stand as criminal records against the children. (8) Whenever possible such administrative duties as child-placing and relief should not be required of the juvenile court, but should be administered by existing agencies provided for that purpose, or in the absence of such agencies, special provision should be made therefor, (9) nor should cases of dependency or destitution in which no questions of improper guardianship or final and conclusive surrender of guardianship is involved, be instituted in juvenile courts.

"(10) The juvenile victims of sex offenses are without adequate protection against unnecessary publicity and further corruption in our courts. To safeguard them, the jurisdiction of the juvenile court should be extended to deal with adult sex offenders against children, and all safeguards of that court be accorded to their victims.

"(11) In all cases of adoption of children, the court should make a full inquiry into all the facts through its own visitor or through some other unbiased agency, before awarding the child's custody."

The first seven principles of the eleven enumerated have been so long recognized as a fundamental part of the juvenile court system that they may now fairly be accepted as non-debatable. Without them, the juvenile court would differ in nothing but jurisdiction as to age from the old-style criminal court. But each one of them needs definition and expansion. "Adequate investigation for every case," for instance, is a phrase capable of a variety of interpretations. Probably the best available detailed discussion of the points which might be called sub-heads under the seven principles is to be found in the *Manual for Probation Officers* published by the New York State Probation Commission in 1918. We shall quote from them at length in reference to the Kentucky situation.

So far as the remaining four principles set forth by the Washing-

ton Conference are concerned, the ninth, at least, is still a subject of heated controversy; the eighth, while usually granted as desirable, has been so complicated by the mothers' pension legislation that its complete establishment would be impracticable, at present, in certain states; the tenth marks an advance in practice which would require many changes in existing laws and a considerable extension of the punitive power of the juvenile court before it could safely be adopted; and the eleventh touches upon a matter which is inapplicable to the juvenile court of Kentucky, since in that state, adoption is handled by the circuit court.

Standards Used in Kentucky Study

For the purposes of this study, we shall accept the first seven principles of the Washington Conference as established minimum standards to which the Kentucky courts must conform or be found seriously deficient, while the last four will be discussed in so far as they apply to the Kentucky situation and will be supplemented by reference to the juvenile court laws of other states where still higher standards have been set up for the protection of children in need of special care. Among these higher standards would certainly be included the provision of facilities for mentally testing and physically examining children before the court, and for securing to those who need it hospital or other medical care at public expense; the appointment of a woman referee or judge for girls' cases, and insistence upon a woman probation officer for all delinquent girls and a woman escort when girls are sent to institutions; the elimination of newspaper publicity of the wrong sort; the appointment of probation officers for merit only, and not as a political reward; the installation of a satisfactory system of records and reports; supervision by some state authority; and some means of bringing the public into touch with the work of the juvenile court, possibly by the creation of advisory boards or by the establishment of county boards of public welfare of which the juvenile court judge will be an ex-officio member.

JUVENILE COURTS AND JURISDICTION

History of Kentucky Juvenile Court Law

Kentucky's juvenile court law was drafted by Mr. Albert Brandeis and Mr. Bernard Flexner of Louisville, whose names are guarantees of the fact that the statute embodied the highest standards of the day in which it was written. Mr. Flexner, Mr. Henry Klauber, Mrs. Patty B. Semple and Mrs. Desha Breckenridge were particularly active in Louisville, at Frankfort and throughout the state in securing the

legislative support for the bill which resulted in its enactment into law on March 21, 1906.

Several slight amendments have since been made, but in all important points the law stands today substantially as it did 13 years ago. It is significant of the care with which it was drawn that the recommendations for amendment suggested in this report concern, mainly, the extension of the facilities of the juvenile court, rather than changes in the principles set forth in the original law.

The constitutionality of the Act was established by the Court of Appeals in the case of *Marlowe v. Com.*, 142 Ky., 106. The court here held that the state constitution had not been violated by the creation of a new court since the juvenile court was really only an enlargement of the powers of the county court; and further that the failure to provide the right of appeal did not invalidate the statute, "since the right of appeal is purely a matter of legislative discretion."

The Court of Appeals has consistently held, as in 156 Ky., 57, that whenever the jurisdiction of the juvenile court has been invoked, "the care, interest and welfare of the child is the thing, above all others, to be kept in view."

Court Given Jurisdiction

The county court, which by the juvenile court law of Kentucky is given original and exclusive jurisdiction over children's cases, is an integral part of the local government in every county of the state.

The judge is elected by popular vote for a four-year term. There are no specified requirements of candidates for the bench except that they shall be over 21, citizens of the United States, and residents of the county. The salary is not fixed by law but varies with the county, being determined by the fiscal court.

The court has two branches, civil and criminal. The first handles the probating of wills, the appointment and renewal of guardians and trustees, the granting of certain licenses and other similar property transactions; the criminal branch has concurrent jurisdiction with justices of the peace and police judges in penal cases punishable by fine not to exceed \$100 or imprisonment not to exceed 30 days.

Although known in parts of the state as the "Little Co't," to distinguish it from the "Big Co't" or circuit court, the county court is far from small in its influence on life, especially in the rural communities which predominate in Kentucky. The successful candidate, who becomes automatically upon his election to the county bench, judge of the juvenile court, the quarterly court and the fiscal court is easily the busiest man among the county officials. This fact has an important bearing upon the juvenile court situation in the state, for the overburdening of county judges with duties other than judicial is respon-

sible for much of their apparent indifference in children's cases. A brief description of the tasks which devolve upon them will clarify this point.

The county court may be said to be in continuous session. It may convene at any time when matters demanding attention are brought to the judge's desk. Its powers and duties have already been described.

The quarterly court which, as its name indicates, holds four sessions a year, has jurisdiction in civil cases concurrent with the police court and the justice court and handles appeals from the justice, police and fiscal courts. Its business is largely with the appealed cases. Since the law does not create the office of clerk for this court, the judge either has to keep the records himself or hire the work done at his own expense; and two courts were visited where the judges complained of the extra burden which this involved.

But it is the work in connection with the fiscal court, which is really not a court at all, but the administrative end of the county government, which weighs most heavily upon the judge. The fiscal court must levy the county taxes, apportion the county funds, erect and keep in repair the jail, courthouse, poorhouse, and sanitarium, if there is one, build roads and bridges, supervise the management of the county institutions, fix salaries for certain county officials, and in general handle all the business transactions of the county. It is to be a court of record which must hold two regular terms in each year but the county judge may call a special session at any time and most fiscal courts meet at least once a month.

In Kentucky, a fiscal court may be chosen in either one of two ways, as the voters decide. It may be made up of the county judge and the magistrates of the county, one from each magisterial district; or three commissioners may be elected from the county at large. The latter method of election is gradually taking the place of the former and proves much more satisfactory. The only county in the state where the families in receipt of county aid were getting intelligent treatment through the co-operation of a private agency had the commission form of government and the secretary of the private agency said that it had been impossible to secure this result when the magistrates were in power.

But whatever the method of choosing the fiscal court, the county judge must call its meetings, preside over them and assume considerable responsibility for the great number of transactions, large and small, which are involved in carrying on the business of a county. It is evident that men so beset with petty detail will find little time for juvenile court work unless for some special reason it particularly appeals to them and they sacrifice something else to do it well, or

unless they can depend upon the assistance of a competent probation officer.

There are distinct advantages, however, in having as judge of the juvenile court a man whose other offices give him a certain degree of authority over, and familiarity with, such county institutions as the jail and the almshouse, who passes on applications for public relief, who has something to say about the school tax, who may help to swing the fiscal court into line for a county public health nurse or a farm bureau, who has his hand, in short, not only on the remedial work of the county but also on the constructive work which will mold normal childhood. Under guidance by some state supervisory body, relieved of all clerical duties and of the necessity for giving personal attention to minor business transactions, and given the assistance of a competent probation officer, the county judge might easily become the most valuable social worker in his community.

Louisville is the only city in Kentucky where juvenile cases and the adult cases over which the juvenile court has jurisdiction are now numerous enough to take even half-time services of a judge and the situation there can probably best be met by the creation of a court of domestic relations and the appointment to it of a special full-time judge. Elsewhere, the provision of adequate probation and clerical assistance would at present relieve the judges sufficiently so that the children's cases could receive proper attention.

Jurisdiction as to Age

The juvenile courts of Kentucky have jurisdiction over boys "17 years of age and under" and girls "18 years of age and under." Opinion and practice differ as to the upper age limit, some holding that jurisdiction extends until a boy becomes 18, others claiming that so soon as he becomes 17, the juvenile court loses jurisdiction. According to Mr. Bernard Flexner, it was the purpose of those who drew the bill to provide the protection of the juvenile court until boys became 18 and girls became 19. The juvenile courts of Daviess, Henderson, Kenton, Larue and McCracken counties were handling boys of 17 and girls of 18 and three instances were found during our study of transfers from the circuit court to the juvenile court of 17-year-old boys, on the ground that the circuit court had no jurisdiction over them.

On the other hand, the Court of Appeals held in *Johnson v. Com.*, 176 Ky., 359, that a girl who was 18 years and six months old when her trial began in the circuit court and who was over 18 when the offense for which she was indicted occurred, was beyond the jurisdiction of the juvenile court. Jefferson County draws the line at 17 for boys and at 18 for girls.

The tendency in recent juvenile court legislation is to set the age at which jurisdiction ceases as 18 for both sexes. We recommend that the Kentucky law be so amended as to limit the jurisdiction of the juvenile court to boys "under 18" and to girls "under 18."

Jurisdiction, once established, lasts until either boy or girl becomes 21.

Jurisdiction as to Institutional Commitments

In spite of the last mentioned provision, it is not clear where the jurisdiction rests when a child is committed to a state institution. The law states that a child may be released by the board of the institution "with the approval of the court" which seems to give the court the last word, yet we could learn of no instance where a judge had been consulted prior to the release of a child from the House of Reform, which was the only state institution for delinquent children in April, 1919. Some court orders of commitment were for definite terms, as one year, which amounts to the court's determining the time of discharge; others read, "until 21;" still others, "for two years or until 21," when the two periods were not the same.

On the other hand, two counties were visited where judges had arbitrarily ordered the discharge of children from the institution. In Harlan County, one of the first acts of the present judge, on assuming office, was to order the release of two boys from the House of Reform. Three others were released within a few months. One boy was released by the juvenile court judge of Boyd County within a month of commitment, additional information which justified the release having been secured in that time.

Where dependent children are committed to the Kentucky Children's Home Society, however, the jurisdiction passes from the committing court to the Society, which retains it until the child is legally adopted by foster-parents.

There are many reasons why, with delinquent children as with dependents, jurisdiction should be definitely transferred by the court to the institution on commitment, provided the institution is a public one. There should, however be a maximum period, as to 21 in the case of delinquents. The court cannot tell how a child will respond to the institutional treatment or when the process of reformation will be far enough along to permit the return of the offender to his old environment. A judge is far more accessible to embarrassing entreaties on the part of parents and is more subject to local political pressure than an institution head is likely to be. We recommend that the Kentucky law be so amended that there can be no uncertainty on this important point.

Group Jurisdiction

The juvenile court has jurisdiction over adults contributing to the dependency or delinquency of children and over dependent, neglected and delinquent children, among whom are specifically included truants and violators of the child labor law.

A dependent or neglected child according to the statute, is: "any male child 17 years of age or under, or any female child 18 years of age or under, who is found begging, or receiving, or gathering alms, whether actually begging or under the pretext of selling or offering for sale anything, or being in any street, road, or public place for the purpose of so begging, gathering or receiving alms; or who is found singing or playing any musical instrument for gain upon the streets or in any public place, or who is found wandering and not having any home or any settled place of abode or proper guardianship or visible means of subsistence; or who is found destitute, homeless or abandoned or dependent upon the public for support or who has not proper parental care, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardians or other persons in whose care it may be, is an unfit place for such child; or who is found living in any house of ill-fame, or with any vicious or disreputable person."

A delinquent child is defined as: "any male child 17 years of age or under and any female child 18 years of age or under, who violates any law of this State; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or who, without just cause and without the consent of its parents, guardians, or person having its custody, control or supervision, absents itself from its home or place of abode; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill-repute; or who knowingly patronizes or visits any policy shop or place where any gaming device is or shall be operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes any public pool room or bucket shop; or who wanders about the streets in the night time without being on lawful business or occupation; or habitually wanders about any railroad yards or tracks, or jumps or attempts to jump on any moving train, or enters any car or engine without lawful authority; or who uses vile, obscene, vulgar, profane, or indecent language, or is guilty of immoral, indecent or lascivious or disorderly conduct in any public place or upon any highway or about any schoolhouse; or who is persistently truant from school."

A truant may be treated as a delinquent child when his parents prove that they are unable to compel his attendance at school and truants are being handled by the juvenile courts in every county where any effort is being made to enforce the school attendance law.

That section of the Kentucky child labor law which regulates street-trading in cities forbids the employment at street trades in

cities of the first, second or third class of boys under 14 and girls under 18, and of boys from 14 to 16 who have not complied with certain requirements and states that if found so employed in violation of this section, they shall be brought before any court "having jurisdiction over juvenile delinquents and dealt with according to law."

The foregoing provisions relating to child labor, truancy, dependent, neglected and delinquent children give to the Kentucky courts that combination of the dependency and delinquency jurisdiction which is objected to by many persons prominent in juvenile court work, on the ground that it works an injustice to the dependent child in whose case there is no combination of delinquency or neglect with dependency and where no question of final transfer of guardianship is involved. In reply, it might be pointed out that if a juvenile court is properly managed, no "pure dependency" cases ever do come before it except those where granting a mother's pension or arranging a transfer of guardianship is the point at issue. Investigation by a competent probation officer, prior to the hearing, or better still, a complaint department to investigate before the petition is filed, should eliminate any cases where destitution alone is the cause of trouble, by transferring them to the proper agency, public or private, for economic rehabilitation.

Kentucky has no mother's pension law and should one be passed in the near future, we should favor placing its administration elsewhere than in the juvenile court. But it is only fair to say that while the principle of strengthening the regular county agencies for granting public relief by entrusting the pension to them is theoretically correct, we know too little as yet of the actual results of different systems of mothers' pension legislation to have foundation for any definite conclusions as to the best methods of administration.

Child-placing or commitment to an institution for dependent children involves a final transfer of guardianship, so does not come under the above definition of "pure dependency." In all probability, some of these cases of transfer of guardianship, if properly investigated, would turn out to be cases of destitution, but adequate investigation, as pointed out above, would result in such children being cared for elsewhere than by the court. Child-placing is not properly a function of the juvenile court but until the state provides some satisfactory method of care for such cases a certain amount of it is to be expected. The excellent educational work of the Kentucky Children's Home Society, a state-subsidized private agency, has materially reduced the number of placements by court officials.

On the other hand, in the large number of cases where both dependency and delinquency are present, it is a real advantage to have one agency with jurisdiction over both, able to refer the family to the proper sources for economic relief and able to adjudicate on the

delinquency of the child with the economic situation of the family in view.

With regard to the danger of being "stigmatized" by an appearance before the juvenile court, it should never be forgotten that the juvenile court was established for the avowed purpose of removing the "stigma" from court appearances of delinquent children. So far as it has failed to do so, the machinery of administration is at fault, not the theory that the delinquent child, as well as the dependent, is the ward of the state and is entitled to equal protection.

Should the cases of "pure dependency" be legally removed from the jurisdiction of the juvenile court, it might also be necessary to make changes in the classification of adults over whom the Kentucky law now gives the juvenile court jurisdiction. At present, the juvenile court judge may hear cases of grown people who are charged with having "contributed to the dependency or delinquency" of a child who has been brought before the courts. A study of the section of this report which gives the results of prosecutions will show the value of giving the juvenile judge power over the family group sufficient to compel men to go to work and discharge their duties to wife and children. Of equal importance is the right to discipline parents who do not send children to school, junk dealers who purchase stolen goods from small boys, cigar store proprietors who sell them cigarettes, or skating-rink owners who permit children to congregate in the rink during school hours, to quote only a few of the instances listed during our study.

The Kentucky law is fortunate in having the "contributory to dependency and delinquency" clause, and for the reasons outlined in the proceeding discussion, it would be inadvisable to make any change in the classification of children over whom the juvenile court has jurisdiction.

Uniformity of Jurisdiction

The law aimed at the establishment of a uniform, statewide system of children's courts. With the exception of certain provisions for probation service and detention homes, there are no population limitations which confine the operation of the statute to cities or counties of a certain size, and no special children's courts have been created for any city by separate legislation.* The law distinctly states that no child may be taken for trial before a justice of the peace or a police magistrate but shall be sent directly to the county court. In case, however, a child is brought before the wrong court

*These exceptions, however, vitally concern the effectiveness of juvenile court procedure in those counties which have no cities of the first or second class. All counties which fail to provide probation service and a special method of detention for children fall below the minimum standard.

by error, the justice or police judge must transfer him at once to the county court, which is then directed to proceed, in juvenile session, as if the petition had been properly filed to start with. There is nothing optional about it. The only cases of delinquent children which can legally be heard before courts other than the juvenile, are those where the judge of the juvenile court has exercised his right to waive jurisdiction over a child accused of a crime, and has referred the child to the criminal court for trial.

Violations of Jurisdiction

However, this section of the law, correct in intent and carefully framed to prevent violations, is being constantly violated by Kentucky courts. Ten of the 22 county judges interviewed had never held a juvenile session, kept no juvenile record or docket, and made no pretense of treating children differently from adult criminals. Though not to be condoned, this is perhaps the least serious form of violation, since the county judge is the man who should serve as juvenile court judge, since sessions of the rural county courts may be almost as private as juvenile sessions should be, and since the county court is able to settle cases without delay, thus obviating any necessity for jail detention pending trial. It is indeed at times difficult to distinguish between the juvenile court that is below standard and the county court, which because of the small number of cases handled and the informality of the procedure, gives what is practically a juvenile court trial. All irregularities of procedure are discussed later, under separate heads, and are not counted as violations of jurisdiction unless the names of the children appeared on the order-book of the criminal branch of the county court and the judge admitted that they were tried in regular county court session.

Children are also being sentenced by police judges, which is not legal under any circumstances, and are appearing before circuit courts without that preliminary hearing and waiving of jurisdiction which alone can give the circuit court a right to try them.

In Bell County, the police court of Middlesboro in 1918 disposed of the following five cases over which it had no legal jurisdiction:

TABLE 1.
JUVENILE CASES IMPROPERLY HANDLED BY POLICE
COURT OF MIDDLESBORO IN 1918.

Sex	Color	Age	Offense	Disposition
m	b	14	Horsestealing	Parents ordered to buy new horse
m	b	15	Horsestealing	Parents ordered to buy new horse
m	w	16	Housebreaking	Held to Circuit Court
m	w	16	Housebreaking	Held to Circuit Court
m	w	16	Trespassing	Fined

Three children were referred to the county court.

In Christian County, the police court at Hopkinsville, during the first six months of 1918, disposed of three cases over which it had no jurisdiction.

TABLE 2.

JUVENILE CASES IMPROPERLY HANDLED BY POLICE COURT OF HOPKINSVILLE IN 1918.

Sex	Color	Age	Offense	Disposition
f	c	16	Inmate of bawdy house	To workhouse
f	c	16	Disorderly conduct	To workhouse
m	w	16	Breach of peace	Fined

Three children were referred to the county court and in one case the disposition was not entered on the record.

The county jail record in Madison County listed two white boys of 12, and one colored boy of 13 each of whom was held for two days, as "released by the police judge." The ages are approximate, having been given by the jailer, but the boys were certainly under 14.

The police court docket at Bowling Green, Warren County, had the following cases:

TABLE 3.

JUVENILE CASES IMPROPERLY HANDLED BY POLICE COURT OF BOWLING GREEN IN 1918.

Sex	Color	Age	Offense	Disposition
m	w	16	Chicken-stealing	Held to Circuit Court
m	w	15	Chicken-stealing	Held to Circuit Court
m	w	13	Grand larceny	Held to Circuit Court
m	w	16	Speeding auto	Fined
f	c	17	"Out after hours"	Jail, one week
m	w	16	Took prostitutes	Fined
m	w	16	riding in stolen	Fined
m	w	16	automobile	Fined

Besides these cases, eight were recorded where the disposition was not clear and three were transferred to the juvenile court.

These instances all occur in the medium-sized towns. In the larger cities, where the juvenile court is a recognized institution, the police refer the children's cases to it as a matter of course, whereas in the villages there is apt to be no police court and the children come before the magistrates or the county court.

It was impossible, in the time at our disposal, to attempt interviews with magistrates and in only one instance did the court records show that a justice of the peace was exceeding his jurisdiction. Here, unusual circumstances made it uncertain whether the records were wholly correct. Bowling Green is a junction point on the main line of the Louisville & Nashville Railroad. The railroad detectives there

rounded up a good many young men and boys who, according to the sheriff, somehow got the impression that they were apt to be more leniently treated if they were "young" and accordingly reported themselves as 16 and 17 when they appeared to be much older. Whatever the truth may be, the county jail register shows that in 1918, 63 boys, 13 of whom said they were 16, 43 of whom claimed to be 17, and seven of whom gave their age as 15 were arrested for "swinging trains." They were tried by a justice of the peace and most of them were fined, the amounts ranging from \$10 to \$19.50, with \$14 the usual sum.

The circuit courts were frequently found to have tried children of whom no records could be discovered in any county or juvenile court docket and of whom the juvenile court judge had no recollection. The following table gives the essential facts for such cases as were found in the counties which we visited. The total number is undoubtedly below the actual number, since the circuit court records rarely give ages.

TABLE 4.
JUVENILE CASES IMPROPERLY BROUGHT BEFORE THE
CIRCUIT COURTS OF FIVE KENTUCKY COUNTIES.
IN 1918.

County	Sex	Color	Age	Offense	Disposition
Christian	m	—	16	Housebreaking	House of Reform 1 year
	m	—	Juv.	Housebreaking	House of Reform 1 year
	m	w	16	Robbery	Dismissed.
Graves	m	w	16	Robbery	Dismissed.
Harlan	m	w	13	Housebreaking	Jury ordered 1 year in Pen- itentiary. Judge changed to House of Reform
	m	w	16	Housebreaking	
	m	w	16	Housebreaking	
Muhlenberg	m	c	16	Horse Stealing	Case pending
	m	w	16	Murder	Case pending
Warren	m	c	16	Housebreaking	Dismissed
	m	c	16	Housebreaking	Dismissed
	m	c	16	Housebreaking	Dismissed
	m	c	16	Horse Stealing	House of Reform 5 years
	m	c	14	Warehousebreaking	House of Reform 1 year
	m	c	16	Warehousebreaking	Dismissed
	m	c	16	Housebreaking	House of Reform 2 years

This gives a total of 16 violations for five counties. In 13 counties, Barren, Boyd, Daviess, Franklin, Fayette, Hancock, Henderson, Larue, Livingston, Madison, Mason, McCracken and Monroe, no instances of children being brought before the circuit court without a previous appearance in the juvenile court were discovered in the records for 1918. In Campbell County (Newport), Kenton County (Covington), and Jefferson County (Louisville), the juvenile court is well established and understood, and no time was spent in searching through the lengthy circuit court records for instances which would, if dis-

covered, be exceptional. Bell County was only partially covered, being outside the regular schedule, and the circuit court records were not consulted there. But that this most serious form of violation of the juvenile court law should be found in one-fourth of the counties visited indicates that Kentucky has still a long way to go before public sentiment can be depended upon to compel the courts to enforce the law.

The most shocking illustration of jail detention which we found was due wholly to a violation of this sort. A colored boy of 16, charged with stealing a horse, had on the date of our visit, April 5, 1919, been held in the Muhlenberg County jail since November 20, 1917—nearly a year and a half—without any trial at all. The case had once been set for hearing, but on the prosecutor's failure to appear it was postponed; and the last two sessions of the circuit court had not been held because of the influenza epidemic and the cold weather. The boy had been out of the cell block where he was confined with the adult colored prisoners, only once since his arrest and showed plainly the effect of his long confinement. Had he been taken before the juvenile court, where he belonged, his case would have been disposed of in 48 hours.

Or had he been able to hire a lawyer, he might have been released in short order, as was the case with a 15-year-old white boy indicted on March 6, 1919, by the grand jury in Christian County for house-breaking. His parents engaged an attorney and on his presentation of the facts the circuit court held that "since no proper proceedings had been held in the county court to try the said defendant as a juvenile offender, the circuit court was without jurisdiction." The case was dismissed and the boy was ordered released from custody by the jailer. The same course of action was taken with a 14-year-old white boy on March 10, and with a white boy "under 16" on March 17, 1919.

Occasionally, the circuit court seems to realize the evils of the situation. Thus, in Graves County during the June, 1918, term of the circuit court, the judge dismissed the case of a 16-year-old white boy, who was accused of robbery, "on account of the age of the defendant and his having already served three months in jail." This boy had never appeared before the juvenile court. He had been indicted by the grand jury on March 13. His bail had been fixed at \$200 which he had been unable to pay. On March 23, the trial had been postponed to the June term of court. Because of his poverty, the boy had spent the intervening months in jail.

Right to Waive Jurisdiction

The right to waive jurisdiction over a child accused of a crime or a felony is commonly found in the older juvenile court laws but it is

being supplanted by the safer custom of limiting the class of crime for the commission of which a child may be transferred to the criminal court, to offenses punishable by life imprisonment or death. In most states, that definition limits the right of transfer to cases of murder or manslaughter.* The reason for such limitation is clear. The difference between a misdemeanor and a felony is frequently very slight. A boy who steals a banana from a peddler commits petit larceny but if to get the fruit, he breaks the lock of a fruit stand, he may be guilty of burglary, and if he meets the peddler at night and holds him up, he may be accused of robbery. To the mind of the boy it does not matter how he gets the banana. He may be willing to admit that he stole it and that stealing is wrong, but petit larceny, burglary and robbery, as legal terms defining degrees of guilt, mean nothing to him. The wise juvenile court judge assumes the mental attitude of the offender before him and disposes of his case accordingly, but not all judges are wise and some of them, unfortunately, seem only too ready to shift the responsibility of dealing with difficult cases to other courts.

Sometimes other elements enter into the situation. No better illustration of the necessity for limiting the right of transfer could be found than what is actually going on in certain courts of Kentucky today, where young children are being deprived of all the protection which the juvenile court law was designed to give them, simply to save the county treasury a little money.

The situation, in brief, is this. When the Houses of Reform were opened at Greendale, the state bore all the expenses of maintenance. Although circuit, county and police courts had also the right to commit boys and girls under 18 and first offenders under 21, children were received chiefly through the juvenile courts.† The number of commitments increased so rapidly and so many children who were neglected and dependent, rather than delinquent, were sent, that certain judges were suspected of using the reform school as a dumping ground for any child of whom the county wished to rid itself, irrespective of the real need of the child, or the real purpose of the school. In 1914, the law was amended to prohibit the commitment of any child under 10 and to transfer a part of the cost of maintenance of individual children from the state to the county treasury. The amendment had the desired effect of reducing somewhat the number of unsuitable commitments but it had also the unexpected result of greatly increasing the number of cases where the juvenile court judge exercised his right to

*In Kentucky only two such cases were discovered in the 1918 record of the counties visited. This statement does not, however, include the Jefferson County (Louisville) Court, where offenses have not been tabulated.

†The passage of the juvenile court law took all jurisdiction over either boys or girls under 18 away from the circuit courts and police courts, except as the juvenile court judge waived jurisdiction and transferred a case to the circuit court.

waive jurisdiction and transferred to the circuit court any child who he felt should be sent to the House of Reform. Since the circuit court is a state court, any child whom it commits to the reform school becomes a state charge and the county is relieved of any financial responsibility for him. Transfer to the circuit court also means that the child has the unwholesome publicity of a public trial according to criminal procedure, that a grand jury indictment stands against his name, that he must furnish bond or lie in jail until such time as the circuit court convenes, which may be several months distant, and that, if convicted of a felony, he loses his future right to vote and his eligibility to public office.

We believe that the county should share the expense of maintenance of its own children in the House of Reform, since the conditions which produce juvenile delinquency are in large part local and controllable by the county and since the establishment by the county of an adequate probation service would make it possible to care for many of these delinquent children in their own homes, at the expense of their parents. Yet of the 22 courts visited, only 10 did not transfer at once all probable commitment cases to the circuit court.

One judge told us that, "in order to protect the child," he reported his name and had him indicted by the grand jury, but gave him his trial in the juvenile court and lodged him in the juvenile detention home until the circuit court returned its sentence of commitment. While this course of action does eliminate certain dangers, its legality is questionable and it does not alter the fact that a boy, so convicted, is technically a felon and that his public career may later be blighted by the discovery of a criminal record against his name.

Sometimes the grand jury refuse to indict a child whom they apparently consider guilty, since they return him to the county judge for trial. At least two cases were so handled in Madison County in 1918. A white boy of 15, charged with housebreaking, was held to the grand jury by the county court.* The grand jury would not indict the boy but sent him back to the county judge, who released him. A second white boy, an orphan, aged 14, was arrested for robbery, held to the grand jury and thrown into jail because he could not execute his bond of \$200. When the grand jury returned him to the county court, the judge, forced to take some action, advertised for a home for a "likely boy." Within a few days, a farmer who needed help appeared and at the time of our visit in May, the boy, who had then been in his new home since November, was said by the judge to be well and happy and giving satisfaction. While it would take some study of this farm home to determine whether a satisfactory disposi-

*Madison County held its first juvenile session of the county court in 1919. All children's cases had previously been heard in regular county court session.

tion had been made of the child, it was certainly better for him than continued confinement in the county jail, where he had already been held from September 7 to November 15, 1918.

A curious situation was discovered in McCracken County. The county judge believed that the state should pay the entire cost of maintenance at the House of Reform. He committed children through the juvenile court but refused to honor the annual requisition of the institution upon the county funds. Suit was finally brought to compel payment of the account, but at the time of our visit, the case had not yet come to trial.

One instance was found where a white boy of 16, charged with carrying concealed weapons, was transferred to the Quarterly Court for trial. All others went to the circuit court.

PROCEDURE IN KENTUCKY JUVENILE COURTS

The framers of the first juvenile court law. in their desire to eliminate from the hearing of children's cases all suggestions of criminal procedure, provided for proceedings in chancery, substituted apprehension by petition and summons for arrest by warrant, put the probation officer in the place of the prosecuting attorney, supplemented the examination of witnesses by the presentation of social evidence, and established the precedent of a separate hearing, separate records and detention apart from adults. All of these fundamental principles have been observed in the wording of the Kentucky law.

The statute distinctly states that the act is to be liberally construed and that the offender is not to be regarded as a criminal, nor may the disposition of any child be given as evidence in subsequent cases against him.

Any person may file a petition on information or belief stating that he believes a child to be delinquent, dependent or neglected. When this petition is filed in the juvenile court, a summons is issued, ordering the parents or the person in whose custody the child may be to appear with him on the day set for the hearing. This is a noteworthy variation from the criminal procedure which ignored the responsibility of the parents and, unless they were called in as witnesses, made no effort to secure their presence at the trial. In case a child has no parents or guardians, the judge must appoint someone to act in that capacity pending his adjudication on the case.

All these safeguards are taken from the child who is tried by a criminal court, either illegally by assumption of improper jurisdiction, or legally through transfer of jurisdiction by the juvenile court judge. Each one of the 12 counties visited which were really trying to operate

under the juvenile court law gave this degree of protection, however widely they might differ in other details of procedure.*

The most important of these differences centered about their customs with regard to separate hearings for children's cases, separate records, a place of detention apart from adults and the provision of probation service. A detailed description of the technicalities of the procedure is found in the chapter on Administration.

Separate Hearings

Six of the twelve counties named in the footnote set aside a regular time for juvenile court sessions. The judge in Louisville occupied the juvenile bench every Friday and Saturday morning and on Thursday forenoon, if necessary. The Boyd County judge stated that if necessary he held an informal juvenile session every evening in his office at Ashland. Fayette County (Lexington) and Kenton County (Covington) set aside Friday afternoons for juvenile hearings: Daviess County (Owensboro), Saturday morning; and Henderson County (Henderson), Wednesday afternoon.

This does not mean, however, that juvenile cases are never heard at any other time. The judge at Covington, for instance, said that while children's hearings usually came on Friday afternoons emergency cases were heard in open court at any time. The public, he said, were always excluded from hearings which involved sex immorality.

The special session at Lexington is more for the purpose of hearing probation reports than for adjudication on cases, although some children do appear for hearing at that time. The hearing usually takes place in open court, according to the judge.

In Henderson County, the nature of the case determines whether or not it shall be heard in chambers. Petitions against immoral girls are always privately heard.

Of the six remaining counties, Graves, Larue and Livingston had practically no children's work during 1918. The one case passed upon in Larue and the two in Livingston, had what amounted to a hearing in chambers. In Graves County, the more serious charges were passed upon in open court, while the less important were heard in the judge's office.

The judge of the Campbell County juvenile court reported that he heard only commitment cases, turning over all others to his probation officer for hearing and disposition. The procedure in commitment cases is informal, with the public excluded.

No reason could be given by the McCracken County judge for

*The twelve counties were: Boyd, Campbell, Daviess, Fayette, Graves, Jefferson, Henderson, Kenton, Larue, Livingston, Mason and McCracken.

hearing juvenile cases sometimes in open court, sometimes in chambers. It seemed to depend upon whether or not the regular court was in session when a child was brought in for hearing.

All juvenile cases are heard informally, in chambers, by the Mason County juvenile court judge and by the Jefferson County juvenile court.

A separate hearing for children's cases was one of the minimum standards established by the Washington Conference. Nine of the 21 counties from which information was obtained make no effort to secure this and of the 12 which do, half do not provide it in every case. Only one-fourth of the counties included in this study, then, are up to the mark on this point.

Separate Courtroom

There is no city in Kentucky which has a specially designed courtroom for children's cases. All the special sessions which have been described take place either in the judge's chambers or in the regular county courtroom. But even the latter place can be so arranged that it is not objectionable. One of the best juvenile hearings it has ever been our good fortune to attend was held in a corner of a small town courtroom, with probation officer, attendance officer, parent and child seated about the county judge's chair, and others waiting their turn grouped in the back of the room where they could hear no word of what was said in the circle about the judge. Provided proper privacy is secured, any such arrangement is in accordance with the spirit of juvenile court legislation.

However, so long as it seems necessary to bring children to the county court-house at all, it will be impossible wholly to protect them from unfortunate contacts with adults awaiting trial in other courts. Some cities, notably Los Angeles, San Francisco and Detroit, have combined detention home, probation headquarters, and courtroom with good success, but the best location for a detention home is in the open country and such a site is ordinarily too inaccessible for families and court employees to be used for the daily sessions of a large court.

No small city has yet, so far as we have been able to learn, seriously considered the feasibility of using some centrally located public school building for the regular juvenile court hearings. Questions of division of expense would somewhat complicate arrangements, perhaps, for heat, light and janitor service would have to be considered and some inconvenience might be inflicted upon judge and probation officer in the transfer of certain records which might have to be carried back and forth, but the advantage to child and family should outweigh these objections. In cities where one half-day session a week, or even a full-day session weekly would easily

dispose of all the children's cases likely to arise, some such arrangement for Saturday might well be considered. It would keep the children out of the court-house and do much to give the juvenile court that educational atmosphere which should characterize it. Further it would bring the personnel of the court and the personnel of the schools into that closer relationship which is highly desirable from the standpoint of each.

Separate Records

Naturally, only those counties which give a juvenile court hearing keep the juvenile docket and the juvenile record which the Kentucky law requires of all juvenile sessions of the county court. Usually, no docket is kept and the only record of children's cases is found in the register. This register, or juvenile record, wherever found, was the same. It was a very large bound book, which carried the following entries across two wide pages: Name, Date, Classification, (i. e. whether dependent, delinquent or neglected), Sex, Color, Birthplace, Date of Birth (Month, Day, Year), Grade, Physical Condition, Mental Condition, Home Condition, Father's Name, Age, Color, Nationality, Church, Condition, Education, Occupation, Marital Condition, Habits, Institutional Record, Physical Condition, Mental Condition, Mother's Name, and same items as for father, Form of Delinquency, Dependency or Neglect, Chief Cause of Same, Remarks, Name of Investigating Officer, Disposition of Case, Date of Disposition. In other words, the register touches upon many of the points which the investigation of a probation officer would be expected to cover, but does so in an inadequate and clumsy way. It is practically impossible (without the assistance of some mechanical guide) to follow the long line which carries the record of a child from the date when the petition is filed against him to the date when he is "disposed of." If a child makes more than one appearance in court during a year, the whole list of points must be a second time filled out, if the record is to be complete. As a matter of fact, we found no book in which all the items were complete. Rarely had any effort been made to list information about father or mother, and in all the records we consulted, only at Louisville, where the facts are differently entered, was it possible to get so basic a fact as the grade in school of children before the court.

A complete revision and standardization of all the record forms used by the juvenile courts of Kentucky is badly needed but nowhere is the need more evident than in the source upon which we should be able to depend for our statistics of children's court work, the Juvenile Record.

What is needed for the smaller courts, the "one-man courts," is a combination of the docket and the register, greatly simplified, but

giving at least such essential facts as: Name, Address, Date, Classification, Age, Color, Sex, Grade, Occupation, Offense, Disposition and Date of Disposition. The facts relating to the child's family should be transferred, in slightly different form, to the investigation blank, which should be furnished each probation officer for use in the preliminary investigation which the law requires him to make and report on, in writing, before any child comes to hearing. These blanks should be filed with the original court papers, the petition and the summons, and with them should be kept any correspondence relating to the child, any orders of commitment, school reports, reports of physical or mental examinations, or running story of conduct on probation.

Indeed, to appreciate the absolute confusion in which the records relating to children are found, one needs only to read over the list of sources which it is necessary to consult, in order to get any idea of the number of children before the courts. The juvenile court law says that there shall be in every county one general record, in which shall be entered every case of a delinquent child brought before the one court which has the right to hear such cases, every case of a dependent child whose custody becomes a cause for public concern, every case of a neglected child where the forces of law and order must step in to prevent an abuse of parental authority. Yet in Warren County, to quote only one illustration, in order to get even an approximately correct idea of the number of juvenile cases handled during 1918, it was necessary to check through the docket and the order-book of the circuit court and the criminal branch of the county court, the docket of the police court, the register of the county jail, the minutes and order-book of the fiscal court and the civil branch of the county court. In addition, the books of each justice of the peace in the county should have been consulted, for other records showed that at least two of them were handling children's cases over which they had no jurisdiction.

To add to the confusion, some courts entered only commitment cases, making no record whatever of children placed on probation or otherwise disposed of, and probation officers, when any had been appointed, frequently kept no permanent record of cases assigned to them for investigation or probationary care. This is a kind of book-keeping which Kentucky can ill afford to tolerate. Yet it is to be found in every county visited except four: Jefferson, Kenton, Daviess, and Fayette, and in these four, although it was possible to get numbers and dispositions of children, the record forms and the methods of keeping them were not uniformly of high-grade.

Separate Detention

The juvenile court law can in no way be blamed for the situation described in the preceding section but it is, in part, responsible for the fact that only Louisville and Lexington have provided detention homes and that everywhere else delinquent children and, rarely, those whose poverty is their only fault, are, at times, held in county jails. For, although the law forbids the imprisonment of any child under 14 and prescribes a penalty for the violation of this order, it does not grant to all the counties alike the power to levy taxes for the maintenance of a detention home. Juvenile courts in counties having no city of the first or second class are thus forbidden to jail a child but are not permitted to house him anywhere else, at public expense. Since the juvenile court judge also presides over the fiscal court, which controls the county expenditure for poor relief, co-operation might be expected here, but only two instances were found, during our study, of counties authorizing expenditures for the board bills of dependent children. The Christian County court paid a woman \$16.00 for taking care of two orphan children for two weeks pending their commitment to the Kentucky Children's Home Society and Warren County paid \$7.50 for the care given to a little family on their way to a church orphanage. On the other hand, when Barren County found two white children, a boy of 13 and a girl of 11, almost frozen to death in an open shack on the outskirts of the county-seat, during the bitter weather of January, 1918, it could find no better place to shelter them than the jail, and when the county physician pronounced the boy unfit for commitment to the Kentucky Children's Home Society because of his physical condition, the county judge ordered him "held in the county jail for medical treatment."

However, various efforts are being made to avoid jail detention. The most common method is to let a child return to his own home, sometimes bonding his father for his reappearance, but more frequently releasing him on his own recognizance. One instance only of an escape from the jurisdiction of the court under such circumstances was reported to us during the investigation.

The homes of relatives or unrelated private citizens are occasionally used for temporary detention of delinquent children. In Daviess County, a white boy of 16, arrested for being drunk and disorderly, was placed in a home of a man relative until the sheriff was ready to take him to the House of Reform. Another boy of the same age and race, arrested for assault, was sent to the home of a policeman for safe-keeping until a home was found for him with relatives in the country.

Henderson County tried using a small frame cottage in the jail yard as a place of detention for boys but had to give it up because

gangs of hoodlums gathered around it, whistling and calling to their imprisoned comrades.

In Campbell County, a two-story house on the grounds of the county poor-farm has been fitted up as a detention home to which both dependent and delinquent children are sent. The matron is herself a county charge and is the mother of three of the children. She has a marked speech defect which makes it almost impossible to understand what she says but she is said to possess "a fair degree of common sense." The house is fairly well furnished, with single beds, properly equipped throughout, and on the day of our visit was clean and in good order. Three little girls, the daughters of the matron, and three delinquent boys, all under 14, were present. All the children take their meals in the basement dining-room of the almshouse, with the aged, infirm and feeble-minded inmates of the institution. One boy was found wiping dishes and helping the old men clear up after supper; another was milking; the third a little fellow of eight, was moping about the house with a high temperature. These children attend the nearby country school.

The juvenile court judge of Campbell County expressed his disapproval of the present arrangement but said he considered the county farm preferable to the State House of Reform which was the only alternative. A "juvenile cell" at the jail is also available but seldom used.

It is greatly to be regretted that Campbell County and Kenton County have not been able to agree upon the erection of a joint detention home. Newport and Covington, the county seat of one, and the largest city of the other, are separated only by a bridge and had not the river happened to be chosen as the boundary line between the two counties, the two cities undoubtedly would have been one. From the business standpoint, both are suburbs of Cincinnati and their child welfare problems are much the same. The project of combining forces to secure a detention home has several times been under discussion but disagreements as to site and methods of management have led to its abandonment.

Kenton County has now elaborate plans for the erection of an industrial school and detention home on a 40-acre site in Devou Park which was set aside for that purpose by the donors of the park. The school is to be jointly maintained by the city of Covington and the county of Kenton, on an equal basis, and is to be managed by a board of governors, four of whom are appointed by the mayor of Covington and three by the judge of Kenton County. This board of governors is also supposed to act as an advisory council to the juvenile court. The commissioners' ordinance establishing this school was passed on May 10, 1917. The institution was to be a "juvenile

home for the proper care of homeless, neglected and delinquent children" of the city or county and the number of inmates was to be determined by the city commissioners of Covington, provided that, so long as the county paid its half of the operating expenses "all children ordered sent to said school by order of the Juvenile Session of Kenton County Court shall be entitled to the care thereof, without curtailment of any sort whatsoever."

Both the city and county agreed to furnish the money and get to work at once, but after nearly \$88,000 had been expended on a road to the projected site, the city funds gave out and the work is at a standstill. Meanwhile, the court uses the Wayfarers' Lodge, a boarding home maintained by the Associated Charities of Covington, as a temporary detention home for dependent children and some delinquents are turned over to the agent of the Humane Society for safe-keeping. Older boys are sometimes held in jail.

McCracken County also utilizes a local institution, the Home for the Friendless, for the detention of dependents. Delinquents go to jail if they can not be cared for at home, pending commitment.

Lexington and Louisville have purchased old dwelling houses and remodeled them. The Lexington detention home provides separate quarters for both colors and sexes under the same roof; in Louisville, colored children are housed in an adjoining residence, which is also the property of the county. Both buildings have been modernized by the installation of steam heat, electric lights, and sanitary plumbing. Both have individual iron cots in the dormitories and bed and bathroom linen is furnished.

In Lexington, a teacher provided by the city board of education comes every afternoon after her own school closes for about an hour's instruction. A schoolroom has been fitted up in the building and books have been bought by the board of education.

A medical examination on admittance is given the Lexington children only in case of suspicion. Louisville has an attending physician, a woman, who examines all inmates of the detention home. A checking through of the records on file for 79 children present on the day of our visit showed that reports of medical examinations were on file for only 13, and of these seven were reports of the United States Public Health Clinic for the treatment of venereal diseases. It is quite possible that some of the 66 for whom no records were filed had received their examination at court prior to commitment, but in that event copies of the findings should have been sent to the detention home for filing there.

The records at Lexington showed that 123 children were received at the detention home during 1918; of whom 97 were boys, 61 white and 36 colored; and 26 were girls, 20 white and six colored. From

January 1, 1919, to October 1, 1919, 880 children had entered the Louisville Detention Home, and 828 had been released.

This report is not the place for a detailed study of the institutional side of the two detention homes, much as such a study is needed. The point to be noted is that Lexington and Louisville are complying with the juvenile court law by providing a place where court wards can be temporarily cared for without coming into contact with adult criminals, and that the places they have provided, while capable of improvement in many details, are meeting this primary need. In Paducah, that section of the juvenile court law is being violated which makes it mandatory upon counties having a city of the second class to provide detention homes; and in Covington and Newport the temporary arrangements now in force are not in accordance with the intention of the law.

But the big problem in Kentucky is to get a safe and suitable method of detention for children before the courts of rural counties. The first essential is to have county funds available for the care of children who cannot safely be returned to their own homes, or who have no homes, and the juvenile court law must be amended to make this possible. It may, of course, happen, in a few exceptional cases, that a person of large devotion will lodge a court ward free of charge. There may, in rare instances, be a county almshouse where a child can be kept for a short time without harm. It may, more often, be feasible to persuade the board of a conveniently located institution to give free temporary care to a child of the same class as their own wards. But all these methods are makeshifts and simply operate to postpone the day when the county recognizes its financial responsibility and prepares to assume it.

It would, of course, be unwise for the assumption of this responsibility to mean, in every case, the erection or purchase of a county institution for children. There are other and better ways of meeting the situation. The methods which have proved most successful in other states are: (1) an agreement with some private institution whereby the institution holds itself ready to receive children sent to it by the court for temporary detention at a fixed per capita rate; (2) an agreement with some private family, preferably a man and wife without young children of their own, to provide suitable quarters in their home for the reception of court wards and for their restraint, when necessary; to be ready to take them, at any hour of day or night; and to give them the care of a real home during the period of their detention. It has also been suggested (3) that adjoining counties might combine in the erection and maintenance of a joint detention home.

The difficulty usually experienced in coming to an agreement on site and management often renders the last arrangement impracticable and the poor transportation facilities in many Kentucky counties would make it hard to get children back and forth. There is always danger, also, that such a detention home may become more of a custodial institution than a place for temporary detention.

The first method suggested is entirely feasible in counties where there is a good private institution, but such counties are comparatively few in Kentucky. It is accordingly incapable of statewide application. Further, until some state body is created to devise correct standards for children's institutions and to hold them up to those standards, it would be hard for the courts to determine which institutions are fit to receive children and which should not be entrusted with their care.

The use of private family homes, however, if properly safeguarded, presents possibilities for the rural counties which deserve careful consideration.

In Massachusetts, where the boarding home system is highly developed, it has never been thought necessary to provide a detention home, even for the Boston juvenile court. Children are sent to private homes which have been investigated and approved by the Children's Aid Society. It should, however, be added that the shelters of the the Society for the Prevention of Cruelty to Children, the Children's Aid Society and other children's agencies are always available as places of detention for especially difficult cases or children in need of special care. The highly specialized development of social agencies in the urban state of Massachusetts, however, makes the situation there quite different from what is to be found in rural Kentucky, unorganized and unsupervised as it is at present.

The experience of Michigan holds more that is of real value for her sister state, for Michigan, like Kentucky, has large rural areas with few social agencies. The Michigan juvenile court law makes it mandatory upon each county, irrespective of size, to provide some place of temporary detention other than the jail for all court cases who need such a refuge, and authorizes the expenditure of county funds for this purpose. A study of juvenile courts in Michigan, made in 1918 by the National Child Labor Committee for the Michigan Child Welfare Commission* took the agent of the Committee personally into 33 of the 83 counties in the state and gave her questionnaire returns from 44 of the remaining 50. Of the 33 counties visited, 12 or over one-third, used a private family home as a place of detention, and at least 23, or over one-half, of the 41 counties not

*Ellis, Mabel Brown; *Juvenile Courts and Mothers' Pensions in Michigan*. Unpublished manuscript in possession of Michigan Child Welfare Commission.

visited habitually made similar arrangements. Three of these counties said that the jail was also occasionally used, one stating that it was only in case of "felons," and two of the twelve counties visited were found to have occasionally confined boys over 14 in jail, pending commitment, but inspection of the jail records verified their statements that it was exceptional to do so.

The financial arrangements varied. In certain counties, the commissioners paid a lump sum per year and an additional per capita for board, while the family equipped the room or rooms to be set aside for court use; in others, the county bore the expense of fitting up the rooms and paid board at a specified rate when children were present; in still others, only a per capita board payment was required.† A combination of the first and second methods is probably the most satisfactory. This would permit the payment of a nominal salary to the person in charge of the house to recompense her for the inconvenience of keeping herself in readiness to receive children at any time, the equipment of the room by the county which would give opportunity for installation of suitable furniture, and a per capita payment for board which would defray the actual cost of food and service. For a surprisingly small amount, the counties of Michigan were furnishing creditable care to unfortunate children of the countryside.

It is believed that some such arrangement would be the most practical for Kentucky, provided that before any home is selected for use by the juvenile court it shall have been inspected and licensed by the proposed State Board of Public Welfare. Prior to the establishment of this board, the advisory councils through which the juvenile court law intended to utilize the best brains of the community, might well be appointed and held responsible for selecting temporary places of detention. There should be no delay in so amending the juvenile court law that county funds may be used for this purpose by any county in the state.

Probation Service

Many of the difficulties which now attend the selection of a suitable place in which temporarily to house needy children would be

†Ten of the 12 private homes visited impressed the agent as being well chosen. Three of the matrons in charge were practical nurses; the others appeared to be kindly, wholesome housewives, who would be likely to give satisfactory care to their young charges. Dependent children and young delinquents were always fed at the family board and usually shared the family living-room and yard. For older delinquent children, one bedroom was frequently equipped with a strongly bolted door, and inconspicuous but strong wire grating covered the windows. Meals were sometimes served such children in their rooms; frequently they joined the family. Without exception the bedrooms were well-lighted and well-heated and the beds and bedding were clean and comfortable. Two homes were disapproved of. In one instance, the woman in charge was slatternly and had young children of her own who were dirty and uncared for; in the other, the matron was a very old woman whose obvious peculiarities of temperament unfitted her for work with children.

overcome had the juvenile court judges of Kentucky competent probation service. But only five of the 22 counties visited in our study had paid probation officers and only 12 of the 73 counties which replied to the Children's Bureau questionnaire* had a probation service of any sort, paid or volunteer. Since adequate investigation for every case and provision for supervision or probation by trained officers are two of the minimum standards for effective juvenile court work set forth by the Washington Conference, it follows that only one-sixth of the counties concerning which we have information† even pretends to live up to the minimum standard. Should we emphasize the word "trained," accepting the qualifications outlined in the New York Manual for Probation Officers as the equivalent of "training,"‡ the percentage of counties which could measure up would be pitifully small.

On the soundness of its probation service, the juvenile court system stands or falls. It is accordingly of vital importance for Kentucky to see where her weakness lies and what can be done to remedy the present state of things.

The trouble lies, first of all, in the law itself. Section 331 e 21 provides for a tax "to defray the expenses of this act" in "counties having a city of the first or second class." That is, only Jefferson, Kenton, McCracken, Fayette and Campbell Counties can pay their probation officers from the county treasury.

It is true that the judges may appoint volunteer officers to serve without compensation, but long experience with volunteer service in children's courts has led to the conclusion that it can never be a satisfactory substitute for the employment of an officer who is legally responsible to the court and is always available.

Again, the maximum salary specified in the laws for the "assistant and other probation officers" is altogether too low to get well-trained persons today, whatever it may have been ten years ago, \$2,400 for a chief probation officer is adequate everywhere, but \$1,200 for an assistant and \$1,000 for all other officers can nowhere command

*Courts in the United States Hearing Children's Cases, U. S. Children's Bureau Publication No., Dependent, Defective and Delinquent Cases, Series No., Washington, 1919. (In press).

†It is probable that none of the 44 counties which failed to reply to the Children's Bureau Questionnaire have probation service of any sort. If this is true, nine-tenths of Kentucky is untouched by real juvenile court work.

‡"It is extremely important that only those should be appointed as probation officers who are properly qualified for this difficult and responsible position. In general, persons undertaking this work should have had some experience in social or charitable work. A fair education is important, preferably completion of a high school course or its equivalent, and further special training is desirable. . . . It is now recognized that persons should not be appointed simply because they are accessible to the court, but only when they are personally fitted for probation work. Experience had also proven that policemen, constables, deputy sheriffs and persons of a similar training and point of view are seldom able to secure the best results in probation work."

Manual for Probation Officers, State Probation Commission, Albany, N. Y., 1918, p. 26.

the services of a well-trained man or woman, except at a considerable personal sacrifice, or by a combination of two positions, as that of school attendance officer and probation officer, salaried both by city and county. Some such combination of duties is probably the only solution for the small county where probation work alone is not enough to occupy a person's full time.

Appointment of probation officers by the county judge, without any civil service examination or similar requirement, once more jeopardizes the success of the juvenile court system. So long as this custom endures, the courts are in danger of political manipulation which makes party service, rather than merit, the basis of choice. The state of Kentucky has no civil service law, but since the power of appointment is wholly in the hands of the judge, he may ask his advisory committee, or any other group of representative citizens to help him in his selection. Their assistance is apt to take the form, as in Chicago, of an informal examination of applicants. Such examinations usually consist of two parts, a written paper and a personal interview, the first designed to test the knowledge and judgment of the applicant; the second, to get definite information on his previous experience and training, and to throw light on his personality, a most important factor in probation work.*

Another method of selection is to require of all applicants certification by some state supervisory body. This method is to be followed in North Carolina, where the juvenile court law is closely interwoven with the legislation creating state and county boards of public welfare.†

Only one probation officer interviewed in Kentucky had received special professional training for his work of the sort that a school of social work or a state university could give.

Whatever the method of appointment, the usual duties of a probation officer fall into three generally accepted groups, services rendered before, during and after the hearing of a child's case. The wording of the Kentucky statute is explicit on all three. An officer must personally investigate all petitions filed in the juvenile court and must report his findings to the judge in writing, prior to the hearing. These findings should not be limited only to facts which bear upon the innocence or guilt of the child with regard to the particular offense charged against him, but must include all the essential social and economic elements in his family situation. The officer

*A suggestive set of sample announcements and written questions used in civil service examinations for probation officers is to be found in Appendix G of the *Manual for Probation Officers*, published by the State Probation Commission, Albany, N. Y., 1918.

†See pamphlet, *The Juvenile Court of North Carolina*, published by the State Board of Charities and Public Welfare, Raleigh, N. C., 1919. Also see *Child Welfare in North Carolina*, published by the National Child Labor Committee, 105 East 22d street, New York City, 1918.

must be present at the hearing and must be ready to take charge of the child, pending commitment, or during a probationary period, if directed to do so by the judge. The duties of a chief probation officer are further specified as follows: he must be "responsible for the investigation of all cases filed as provided herein; direct the transfer of children to and from institutions" (but a woman attendant must always be provided for a female child); "direct probation officers; visit all children under the care of the court at least twice a year, unless excused by the court; advise and counsel with all other probation officers, and preserve for use in the court or probation office, complete records of the subsequent conduct of the probationer." When only one officer has been appointed by a court, he is, of course, the chief probation officer, and those of the specified requirements which are applicable, are among his duties.

Because of the time limitations placed upon this study, it was impossible to attempt any investigation of the sort of case-work which was being done by the probation officers in the courts visited. Such an investigation, to be of any value, would have to include careful study of records, supplemented by visits to the home and interviews with the families of probationers, past and present, as well as with the children themselves, their teachers, employers and physicians and the other sources of information usually consulted. It was obviously out of the question to undertake this sort of study for the considerable number of cases which would be needed to form a fair basis for judgment.

But it is equally obvious that an officer who files no written report of the preliminary investigation with the court papers, and who keeps no written records of the conduct of the child on probation is neither observing the requirements of the juvenile court law, nor rendering acceptable service to the court. Nor can a man who fails to get and preserve weekly reports of a boy's attendance, conduct and progress at school, keep properly in touch with the lad's development. The existence or non-existence of these three sets of records can easily be verified, and they form a valuable, although not a conclusive, index to the sort of probation service which Kentucky courts are now receiving.

Written reports of preliminary investigations were found on file with the original court papers in only one place, the Jefferson County Court. The records of subsequent conduct of probationers were here kept in small card-filing cases on the officers' desks until the child was discharged. After discharge, some officers retained the cards, others transferred them to other cases, or destroyed them, but none were filed where they ought to have been, with the court records and the investigation reports. School reports were regularly received, but

were not necessarily filed. In McCracken County some records of preliminary investigations running back for over a year, were found thrown loosely together in an open letter box, but since access to the probation files was denied us, it was impossible to determine whether every case had been so reported on or what other records were kept. Brief written reports of preliminary investigations were on file in the private office of the white truancy-probation officer in Lexington, and the colored truancy-probation officer in the same city kept a carefully written-out ledger account of the conduct of his juvenile and adult probationers. Because of their joint duties, these men were in direct touch with the attendance in the public schools. Yet, realizing the need for knowing more about the child's school record than whether or not he was truant, reports which covered scholarship as well as attendance were required from the teachers. They were not kept permanently on file.

The secretary of the local charity organization society acted as volunteer probation officer in Daviess County. The face-cards recommended by the Russell Sage Foundation for charity organization use were used for the preliminary investigation and were filed at the office of the society. The same arrangements have been followed in Henderson County. Both organizations kept running stories of the progress of probationers in the same files, but the reports which they both received regularly from the public schools were seldom preserved.

The Kenton County Office had a small index card file of all cases handled, with a few items on subsequent conduct occasionally entered. School reports were not received. The regularly appointed probation officer, when asked whether he always made a preliminary investigation of petitions before a juvenile hearing, replied promptly, "No, of course not. There are too many."

It is evident that no county in the state fully meets the specified requirements for records, although the situation is better in Henderson, Daviess, Fayette and Jefferson counties than elsewhere. The revision of all juvenile court record forms which has already been suggested would doubtless direct the attention of certain counties to the desirability of a good filing system.

Special Attention to Girls' Cases

Girls are rarely brought into the juvenile court for other than sex offenses. As has been many times pointed out, this is not because there is more immorality among girls than among boys, but because the results of bad sex habits are more easily detected in girls and also because there is more reluctance shown in lodging minor complaints against girls, which of course increases the proportion of

serious charges. The juvenile court law of California requires that no case of a girl under 16 shall be heard without the presence of a woman in the court room, and in at least four large cities, Chicago, Cincinnati, Denver, and Los Angeles, women referees have been appointed by the court to hear and dispose of all girls' cases. A woman probation officer acts in this capacity in Cleveland and Philadelphia. No such arrangement has been made by any court in Kentucky. Private hearings are more frequently assured to girls than to boys, however.

Nor is any effort made in courts where all the probation officers are men, to enlist the services of women as volunteers to hear the reports of girls placed on probation and to co-operate with the men in plans for their rehabilitation. In courts where both men and women officers are found, a girl always reports to a woman officer.

The majority of the courts do not even comply with that wise provision of the juvenile court law of Kentucky, which requires that a woman shall accompany all female children sent to institutions. In one court visited, the judge had taken pains to enter on the record the statement: "since no suitable woman could be found to act as escort, child was put in charge of probation officer." Unfortunately for the accuracy of this statement, the town in which this court was located, proved to be unusually well supplied with public-spirited women, among them the city attendance officer, who said that had any attempt whatever been made to get women escorts, they knew nothing about it.

It is usually difficult to find, outside of the large cities, women of the requisite training to act as referees on girls' cases, but there is no reason why all Kentucky courts cannot follow the example of California by making it a rule always to have a woman present when a girl is to be tried and they have surely no excuse for failing to obey the present law with regard to women escorts. For the comparatively few cases of sex delinquency among girls which the small rural courts are called upon to handle, volunteers will probably have to be called in for this service, provided a woman does not act as chief probation officer. This is another opportunity to utilize advisory boards. If the present plans of the American Red Cross for organizing home service chapters in 16 mountain counties of Kentucky are carried out, 15 of the 16 chapter secretaries will be women. They will have received enough training for general social work and will be sufficiently in touch with the county situation to make excellent assistants in the probation department of the county courts. Public health nurses could also give good service in this capacity. Volunteers selected for this important service should be chosen for their

common sense and discretion. A sentimental or emotional woman can work great harm, both to girl and to court.

Physical and Mental Examinations

The only physical examinations which children before the juvenile court are regularly receiving anywhere in Kentucky, except in Louisville, are those given them prior to commitment to the Kentucky Children's Home Society, which demands, with each order of commitment, a certificate of physical fitness. Occasionally, the county physician in Fayette, Henderson, Shelby,* Henry* and Mason Counties is called in to make an examination of a child who is obviously in bad physical condition, but no record was found of court orders for medical or hospital treatment for any such children, although the law permits it, provided it can be secured without expense to the county.

The Louisville court has been dependent from the beginning upon volunteer service for the physical examination of children, but through the unselfish devotion of a few members of the medical profession, the work has been carried on with greater regularity than is customary with volunteers. A man and a woman physician plan to be present for one hour prior to the Friday morning court session to examine such boys and girls as present themselves. A card-record of their findings is kept, and a nurse who is employed full-time by the court is expected to see that their recommendations for treatment are carried out by the parents.

Mental tests are nowhere given by a psychiatrist attached to a juvenile court. However there has been established in Louisville, largely as the result of the investigation and recommendations of Dr. Slingerland, of the Russell Sage Foundation† a psychological clinic, in which the University of Louisville, the Board of Education and the Welfare League have united to furnish expert diagnostic services to all the child-caring agencies of the city, including the juvenile court.

Two years ago the Kentucky State Commission on Provision for the Feeble-minded had a state survey made by Dr. Thomas W. Haines of the National Committee for Mental Hygiene‡ which clearly revealed the high percentage of mental defect among the delinquent and dependent children in certain institutions. Over one-fifth of the entire group at the Houses of Reform were mentally defective; not quite one-tenth at the Louisville Industrial School; and more than one-fifth of those at the reception home of the Kentucky Children's Home Society. It is useless to place such children on pro-

*Reported in Children's Bureau Questionnaire sheets. Not visited.

†Slingerland, W. H. *Child Welfare Work in Louisville*. Published by the Welfare League, Louisville, 1919, pp. 109-111.

‡Report of the Commission on Provision for the Feeble-Minded in Kentucky, pp. 10-13.

bation; it is useless to commit them to a reformatory institution; it is criminal to place them out for adoption; yet no judge can be sure that he is not making just such dispositions of such cases unless the children who appear before him are mentally tested.

Dr. Haines suggests that before even an approximately complete registration of the feeble-minded can be made, the diagnostic facilities of the state must be greatly enlarged. Cities such as Covington, Newport and Bowling Green should be provided with clinical psychologists, or physicians prepared in the field of mental medicine, who could help social workers and teachers in their problems which involve mental deficiency and disease.

Probably the most advanced provision which any state has yet made for the care of its mentally abnormal children, is the establishment of the Ohio Bureau of Juvenile Research, to which children can be sent by any court in the state for study and diagnosis. Illinois has now a similar department, called the Illinois Juvenile Psychopathic Institute, in its Department of Public Welfare. In Massachusetts, Michigan and New York, out-patient clinics from the State Insane Asylums have brought expert diagnostic service to juvenile courts and child-caring agencies. Other agencies listed by the Children's Bureau study,* some of which might be utilized by Kentucky courts, are the staffs of private or public institutions, as schools for the feeble-minded, or reform schools, the psychology departments of colleges, universities or normal schools, the child-study departments of the public schools, teachers of sub-normal children in ungraded rooms, the clinics of mental hygiene societies, and psychiatrists or alienists in private practice. Not even the smallest and most remote court can afford to be altogether deprived of access to good diagnosticians of mental defect. Other more pressing needs must probably take precedence of the establishment of a state agency for this purpose, but there is no reason why some of the other sources of help which have been utilized by other states, should not prove equally serviceable in Kentucky.

Disposition of Delinquent Children

The methods of handling delinquent children on probation have already been touched upon in the section on probation service. A judge may also place a delinquent child in a suitable family home, not his own, or commit him to some appropriate institution or child-helping agency. If he has committed an act involving civil liability, restitution or reparation to the injured person may be ordered. A dependent child may be placed-out in a suitable home subject to the

*Courts in the United States Hearing Children's Cases. Op. cit.

supervision of a probation officer, or may be committed to some child-helping association, but no dependent child may be sent to an institution receiving delinquents also, unless the two groups are properly segregated.

Records of disposition were secured for 2,318 children who in 1918 appeared before the courts of the 22 counties visited. 1,768 of them were delinquent, 550 dependent or neglected or both. In Louisville, the figures for the dependent and neglected were listed together and the dispositions of the dependent and the delinquent groups were not

TABLE No. 6.

DISPOSITION OF 857 DELINQUENT CHILDREN BEFORE
THE COURTS OF 21 KENTUCKY COUNTIES IN 1918.

Disposition	Number of Children
Probation	271
Commitments—Total	189
To House of Reform	105
To House of Good Shepherd	17
To Salvation Army Home	1
To Kentucky Children's Home Society (colored) ..	1
To Workhouse	33
To Jail	9
To Detention Home	23
Placed Out—Total	19
With relatives	10
With private families	9
Restitution*	10
Fined	77
Whipped	8
Runaways returned to homes	15
Transferred to other courts†	56
Sentence suspended	32
Discharged	86
Not guilty	14
Disposition not clear	45
Case pending	21
Miscellaneous‡	14
Total	857

*In seven instances restitution was combined with probation. These are counted here and not under probation.

†Of these 36 were transferred to the circuit court.

‡Includes four escapes, two removals of family, two boys given 12 hours to get work, one boy disappeared, one girl ordered to leave town, one commitment to an institution, the nature of which could not be ascertained, one truant whose mother was warned, one child whose parents were bonded for his continued good behavior, and one boy released to join the navy.

separately reported. Louisville sent 170 children to the House of Reform, placed 76 in private or public homes, put 838 on probation and dismissed 172, according to the figures given by the chief probation officer. Subtracting the Louisville totals from the figures obtained elsewhere, we have 857 delinquent children, 79 dependent children, five classed as cases of neglect and one as both dependent and neglected for whom the methods of disposition can be given. Table No. 6 indicates what happened to the delinquent children.

No deductions can safely be drawn from this table as to the relative percentages of probation and commitments in Kentucky juvenile courts, for, as already stated some courts record only commitment cases and can furnish no figures on probation. Again, ten of the cases listed under "Probation" in the table above were found in courts which have no probation service of any kind and are really suspended sentence, rather than probation. No instance was found during our study, of any judge taking children on probation to himself, although the Fayette County judge always hears the weekly probation reports. The comparatively large number of cases in which the disposition was not entered in the juvenile record and could not be learned from anyone, also impairs the value of the table.

But that any instances at all of commitment to county jails or workhouses should be found is matter for serious thought. In Fayette County, where 22 children were sent by the juvenile court judge to the county workhouse, this institution was used as a sort of half-way station between the detention home and the House of Reform. It is unfortunately true that conditions at the Houses of Reform, which are located in Fayette County, have for sometime been openly recognized as so bad that almost any substitute was to be preferred. The Grand Jury of Fayette County in 1918 visited the institution and under date of May 31, turned in a severe indictment of the management, concluding with a recommendation to the Governor that he either pardon or immediately transfer to the State Penitentiary at Frankfort "at least 150 white men and 50 colored men" who "do not belong in this corrective school for children." Since, as Dr. Slingerland's report pointed out,* the only basis of segregation at the institution in size, irrespective of age or character, and since the equipment and personnel of the staff were distinctly inferior, it is quite probable that the Fayette County children received almost as satisfactory care, speaking from the practical standpoint, at the county workhouse as they

*Slingerland, W. H., *Child Welfare Work in Louisville*, pp. 83-86.

could have received at the institution which the state has provided.[†] The same statement could not be made, however, of the eleven children committed to the Christian County workhouse, and in either case, the best way to secure needed improvements in a state institution is not to boycott it, but to expose it.

The nine recorded cases of commitment to county jails also deserve comment. In Christian County, three small colored boys, said by the jailer to have been 12 or 13 years old, were brought before the county court charged with petit larceny. The judge transferred them to the circuit court as "felons" and the circuit court on October 15, 1918, sentenced them to serve 30 days in jail and to pay the costs of the trial. They were detained from October 2 to November 13. Two white boys of Harlan County, "of juvenile court age," were committed to the jailer on November 12, 1918, for breach of the peace. In Henderson County during 1918 the juvenile court judge imposed ten-day jail sentences upon two colored boys, aged 13 and 14, found guilty of petit larceny, and upon one 16-year-old boy convicted of malicious cutting. The police court judge at Bowling Green sent a 17-year-old colored girl to jail for one week, for "being out after hours."

In at least 55 of the 77 instances where fines were imposed, inability to pay the fine meant imprisonment, and of course, the number of children who spent time in jail awaiting trial or transfer to an institution, is greatly in excess of this total. The juvenile court law forbids imprisonment of any child under 14 in jail, or in any place where he can come in contact with adult criminals, and fixes the penalty for violation at \$100, but there is no state agency in Kentucky to inspect jails or to supervise juvenile courts. Until there is we shall continue to be shocked by the imprisonment of mere children.

Placing-out of delinquent children by the juvenile courts either in the homes of relatives or in unrelated private family homes differs materially from that use of such places for detention homes in rural counties which has already been discussed. A detention home is for temporary use only and must be ready to accommodate any and all children sent by the court. A placed-out child on the other hand, goes to a home where he is expected to remain for months, or even years, where only one child is taken and he is regarded as a member of the family. Again, the placing-out of delinquents differs from home-finding for dependent children, because for the latter group, adoption is usually the end in view, while for the delinquent child, a combination of discipline and kindness is sought which will fit him for return to his

[†]Since the investigation by Dr. Slingerland, a change has been made in the management of the Houses of Reform.

own home and ultimate self-support. It is naturally difficult to find a good home for a delinquent child, since people do not wish to assume the responsibility of managing a boy or girl with an established reputation for "badness." There is also much greater danger of such a child being overworked or otherwise abused. All the safeguards usually thrown about dependent children for whom homes are sought need to be doubled in cases of delinquency.

Two instances of the 19 recorded cases of delinquent children placed-out in homes by juvenile courts during 1918 were known by the courts to have resulted disastrously, but often little was known of the real progress of the child, aside from the negative fact that he had not been returned to the judge.

The use of corporal punishment as a means of settling the case of a troublesome child has long been forbidden by the best schools of the country. It is decidedly a reversion to colonial habits of thought to know that one juvenile court judge in Kentucky favors the re-establishment of the town whipping post, and to learn that in his court, a favorite method of disposing of delinquent boys is to send them to the chief of police "for a good tanning." The writer was shown by the chief himself the whip used for these punishments, a vicious looking instrument with the end of the leather lash frayed and worn. Parents are usually required to go with the children and witness the beating, which takes place in the office of the chief of police. At least one instance is known of a girl, a negress, who was whipped by this man, at the request of her father and in his presence. In two other courts, parents are sometimes ordered to punish their children by a whipping, administered in the presence of some court official.

Disposition of Dependent and Neglected Children

The following table shows the disposition of the 85 dependent and neglected children who were handled by any public agency in the counties visited, Jefferson County excepted. The most significant thing about it is the very small number of children who received court care. In Jefferson County where strong private agencies are looking out for the dependent and neglected group, they furnished one-third of the court cases. In that portion of the state covered by our study, they furnished one-tenth. Many children in the rural counties are growing up in an environment from which they would be instantly removed were there any protective agency at hand to take action.

TABLE No. 7.
DISPOSITION OF 85 DEPENDENT AND NEGLECTED CHILDREN BEFORE THE COURTS OF 22 KENTUCKY COUNTIES IN 1918:

Disposition	Number of Children
Commitment—Total	39
To Kentucky Children's Home Society	24
To Kentucky Children's Home Society (colored)....	1
To House of the Good Shepherd	9
To House of Reform	3
To Protestant Orphans' Home, Covington	1
To Home for Friendless, Paducah	1
Apprenticed	22
Placed Out—Total	15
Relatives	4
Private families	11
Miscellaneous*	9
Total	85

The Kentucky Children's Home Society, which took charge of over one-fourth of these cases, marks the nearest approach to a state scheme of care for dependent children which Kentucky has devised. The society receives white children who are sound in body and mind and places them in suitable family homes for adoption. While it is privately managed and receives a part of its support from private funds, the state legislature also appropriates \$50,000 yearly for its maintenance, and the fiscal courts of the counties make appropriations which range from \$100 to \$300 in the counties visited. A full discussion of the methods of the Society is found in Dr. Slingerland's report on the child-caring agencies of Louisville.†

It has also done a valuable service to the state through the organization of county committees, who report to the central office at Louisville any instances of uncared-for dependency which become known to them, and keep the superintendent in touch with desirable foster homes in their communities. The existence of these committees and the educational work done by the Society with the county judges are largely responsible for the fact that only two children were found in the 20 county almshouses visited.

Careful questioning of the matrons and inspection of the registers for the preceding two years established the fact that few children had been received and fewer still had been kept for any length of time

*Includes two placed with the probation officer, two returned to parents, two removals of family, one disposition not clear, one case pending and one case transferred to another county.

†Slingerland, W. H., *Child Welfare in Louisville*. Op. cit.

during that period. Both of the two children seen were receiving excellent care and both were soon to be removed.

This is a very unusual record for a state where the social consciousness of the rural counties is so undeveloped as in Kentucky. It illustrates what might be done with regard to the jail detention of children and the establishment of true juvenile courts were there some state agency to keep steadily attacking the problem, year after year.

For the same reason a remarkably small amount of placing-out is being done by the county judges. Of the 15 recorded instances, nine took place in McCracken County. Seven of these were simply legalizing the transfer of guardianship of children for whom foster homes had been found by the Home for the Friendless, a local institution, and the remaining two were transfers arranged by the families themselves and brought to the court for sanction. In Daviess County, where four instances appeared on the juvenile record, homes were found for the children by the secretary of the local charity organization society, who acted as volunteer probation officer. She supervised the children in their foster homes until adoption took place.

Eighteen of the 22 instances listed as "apprenticed" were of a similar nature. While the old statute of apprenticeship has never been repealed, it has practically passed out of existence. Few of the counties visited even had an "apprentice-bond-book" and only two had "bound-out" any children during 1918. But in Fayette County, the judge of the juvenile court apprentices children to a local institution, the Children's Home, rather than following the usual juvenile court procedure of commitment, because under the old apprenticeship law, he is able to inflict upon any one who "entices an apprentice away from his master" a heavier penalty than under the juvenile court law can be given any one who disregards the orders of the juvenile court. Since other judges are controlling similar situations without having recourse to any such unusual procedure, it seems altogether probable that it is unnecessary for Fayette County to continue its present custom.

One curious instance was elsewhere found of a boy bound out on motion of his mother to a dentist who agreed "to teach such boy the trade, art and business of dentistry, and also to read and write and common arithmetic, including the rule of three, and to give the boy \$50 at the end of his apprenticeship." It is hard to believe that this contract was written on the 19th of October, 1918. Nor is it quite in accord with modern democracy to read that "On motion of A. H. Wilson* he be and he hereby is appointed Master of Elsie Weeks*, a girl two years old until she arrives at the age of 18 years old."

The commitment of three dependent children to the Houses of

*All names fictitious.

Reform is the more unusual because one of the three was a little girl of 9. Her brothers were 13 and 11. Owing to a change in personnel in the court which issued this order of commitment, it was impossible to get further facts which might have explained the extraordinary procedure.

That so small a number of dependent children should have come before the courts of the counties visited during the year of the influenza epidemic is remarkable. Kentucky was hard hit by the epidemic, particularly in the mountain regions where families lived long distances apart and nursing care could not be provided for all.

The State Council of National Defense, under date of November 8, 1918, sent to the chairman of the county councils a circular letter which called for information on the methods adopted to care for the homeless and neglected children in each county and asked a report on the number of children in need of care because of the death of one or both parents from the influenza. The returns received were so obviously based upon insufficient information that the Lake Division of the American Red Cross determined to make a house to house canvass "up the creeks and down the hollows" of certain mountain counties to discover what families and how many children needed immediate help.

Sixteen counties were covered and from this survey and the returns from the questionnaire, a total of 284 full orphans was reported. 962 lost father only; 1,268, mother only. This total is not absolutely accurate because in counties covered by questionnaire, the figures given are sometimes only estimates; but it has some value as suggestive of actual conditions.

But, having the list, the only resource was the county poor-fund, or the Kentucky Children's Home Society. The one meant pauperization for a pittance, the other, surrender of the children. Rather than consent to either alternative, the communities usually absorbed the children. Relatives or friends appeared and the homeless little ones were taken into other homes, often already over-crowded and poverty-stricken, while the older boys and girls foraged for themselves or hired-out to the neighbors for room and board. Inquiry both of the mine superintendents and of the individual families in 16 mining camps visited in Harlan County by the agents of the National Child Labor Committee in May, 1919, revealed the names of only six children left in need of a home because of the epidemic and not one of these had been referred to any public agency for help. Three, however, had been taken by an old grandfather who was said to be unable to support them and was contemplating their surrender to a private orphanage.

The unlicensed and unsupervised handing around of illegitimate babies is another aspect of this extra-court disposition of dependent

children, which demands the most serious consideration of the Kentucky legislature. It was impossible to make the thorough investigation of this situation which is evidently needed, but on every hand instances were reported to us which illustrated beyond dispute the necessity for action. On the outskirts of one county-seat, which was visited, lives a woman who for years has been known as a prostitute and at one time was proprietor of a disorderly house in the red-light district. She is now married but receives men and women for immoral purposes, takes cases for confinement, is accused of performing abortions, runs a baby farm and is repeatedly before the courts on charges of "disorderly conduct," "maintaining a nuisance" and the like. According to her own statement, she has had at least 43 children in her charge at one time or another. Most of them she has given away for adoption. She has had four during the past year and at the time of the interview had a little girl of eight in her house.

Another type of woman was Sallie Peters* who gave birth to an illegitimate child in the City Hospital at Louisville. She refused to consider keeping her child and the Social Service Department at the hospital had arranged to place it in a foundlings' home. Suddenly both Sallie and the baby disappeared. Some months later a nursing organization discovered the child, ill because of the ignorance and neglect of the woman to whom Sallie had handed it over. It was then learned that the foster-mother had been visiting in the maternity ward of the City Hospital one day and had learned of Sallie's desire to rid herself of the baby. A few words accomplished an agreement between these two strangers, and when Sallie was strong enough to leave the hospital she met the woman in a corner grocery store and gave her the baby. The nurse said that the foster-mother was feeding the baby canned milk and that she was careless and neglectful. The neighbors said the baby was often unwashed and without proper clothing, and that the little nine-year-old daughter of the foster-mother frequently was kept from school to watch the baby during her mother's absence from home. The woman's mother-in-law said she had known her to lie drunk in the street and had herself stopped the saloon-keeper from selling beer to the girl.

Minnesota has probably gone farther than any other state in closing the loopholes through which these extra-court cases usually disappear. She has done it by providing that "no person other than the parents or relatives may assume the permanent control or care of a child under 14 years of age unless authorized to do so by an order or decree of court." This provision has been strengthened by two measures designed, first, to reach the problem of illegitimacy by requiring reports to the State Board of Control from all maternity

*Name fictitious.

homes, large or small, of all actual or prospective illegitimate births, and second, by forbidding adoption in any court of any child without notice to the State Board and an investigation by its agents both of the foster-home and of the fitness of the child for adoption.

Illegitimate children in Minnesota are made, in a very special sense, the wards of the State Board whose duty it becomes "to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his paternity and that there is secured to him the nearest approximation to the care, support and education to which he would be entitled if born of lawful marriage."*

Until measures similar to these are devised for the protection of dependent children in Kentucky, the state cannot feel that her full duty has been discharged toward these most needy of her wards.

Disposition of Adults within Juvenile Court Jurisdiction

The first step toward the creation of the family court, or the Court of Domestic Relations, was taken when the juvenile court judges were given the right to try adults accused of contributing to the delinquency or the dependency of a child. The sort of investigation of home conditions which juvenile court laws require, focussed attention upon the responsibility of parents, and made it desirable for the same court which had jurisdiction over the child to be able to compel obedience to its orders from the parents as well as from any other person who was shown to be encouraging the child in evil ways.

This is admittedly the weakest point in juvenile court practice. Flexner and Baldwin declare that while the court in its treatment of the child has fully justified itself, it has failed signally in its treatment of the adult responsible for the child's condition."† In line with their recommendations, published in 1912, comes the report of its Committee on Courts of Domestic Relations to the National Probation Association in 1917, which suggests the name of "Family Court" for the new tribunal and recommends that in addition to the ordinary juvenile court jurisdiction, it shall have the right to hear cases of desertion and non-support, bastardy, adoption and guardianship and all divorce and alimony petitions.‡ The first court of Domestic Relations was established in Hamilton County, Ohio (Cincinnati) in 1915 and there are now 18 such Courts.§

Juvenile court judges in Kentucky may hear non-support cases

*An interesting discussion of the Minnesota provisions regarding the children of unmarried parents is to be found in the proceedings of the National Conference of Social Work for 1918, pp. 94-101. See also the report of the Children's Bureau, State Board of Control, St. Paul, Minn., 1918.

†Flexner, Bernard and Baldwin, Roger, *Juvenile Courts and Probation*, p. 10.

‡Social Problems of the Courts, National Probation Association, Albany, N. Y., 1917, pp. 82-86.

§Courts in the United States Hearing Children's Cases. *Op. cit.*

in juvenile session, since they are classed as "contributing to dependency," and by virtue of their position as county judges, they hear bastardy proceedings and handle the appointments of guardians. Divorce, desertion and adoption cases go to the circuit courts.

Of the 12 counties visited which were considered to be holding juvenile court sessions, only Fayette, Jefferson and Kenton counties were in 1918 hearing many cases against adults in those sessions. 312 such cases were heard in Louisville during 1918 according to the figures of the chief probation officer.

Fayette County lays particular emphasis upon its work with parents. In 1918, 97 petitions were filed against adults, of whom 17 were women. Forty-seven persons were charged with contributing to the delinquency of children. In 22 of these cases, the nature of the offense was stated in the record. Five were charged with drunkenness, combined with failure to provide for the family. In 11, or one-half of the cases, the offense was failure to send children to school, which in two cases was combined with the offense of resisting an officer. Two men were charged with mistreating their wives; one man with selling cigarettes to boys, and one with failing to obey the orders of the court. There were six instances where contributing to both dependency and delinquency was charged, and 43 where contributing to the dependency of a child was the only charge. These were all non-support cases, except two classed as abandonment.

The disposition of these cases is of special interest because the whole effectiveness of the court depends upon its ability to enforce proper respect for its rulings. Two women, charged with contributing to the delinquency of children, were ordered to leave Lexington at once and remain away. One woman moved of her own accord, before her case came to trial, doubtless to escape the neighbors who had caused the arrest of her small son and daughter for "breaking down a fence and throwing rocks at the chickens." Another woman summoned into court for failure to keep her children in school, was found to be mentally incompetent and was released; a second was found to have tuberculosis and was ordered to a sanitarium for treatment while her children were cared for by private agencies. One woman, arrested for drunkenness, was sent to jail for two days and then dismissed with a warning. In three cases of non-attendance at school, the parents were "severely admonished" and the children were placed on probation and ordered to bring to court weekly reports from the school.

The usual procedure with men was to fine them \$100 and costs and sentence them to 50 days in the County Workhouse; then to release them under bond and suspended sentence with the probation officer to keep a friendly eye on them and in most cases to collect from them and pay over to their wives the money which the court

ordered them to contribute for the support of the family. In at least 19 instances, inability to furnish bond or refusal to obey orders meant jail or workhouse sentences. One man was arrested on March 7, 1918, for non-support and was ordered to pay his wife two dollars a week. He would not promise to do so, but a day in jail led to a change of heart and he agreed. On September 4, 1918, the probation officer brought him before the court for violation of his agreement. This time it took three days in jail before he would promise to pay down his arrears of \$6 and agree to contribute two dollars a week thereafter. At least seven men were sent to the workhouse during the year for violation of probation orders.

Five men demanded a jury trial, to which they were legally entitled, in hope that a jury of their peers would refuse to convict them; a hope which unfortunately proved true in all but one case.

Forty-five adults appeared before the Kenton County Juvenile Court of whom five were women. Here the non-support cases were greatly in the majority, 34 of the charges being of that nature. Three of the 11 persons who contributed to the delinquency of a child, were charged with failing to send children to school. Two of them were dismissed with warnings, and in the third instance the child was placed on probation. Four, the nature of whose offenses was not specified, were fined; one, \$25; one, \$100; and two, \$100 and 50 days in jail. Two cases were placed on open docket; one was ordered to report to the court and one was referred to the Humane Society.

The seven cases of straight desertion were referred to the grand jury; and 18 of the non-support cases were ordered to make regular weekly payments to their families. One man enlisted and made an allotment.

The only other cases against an adult found in the 1918 records of the counties visited was in Daviess County, where a man charged with contributing to the dependency of a child was placed on probation for a year. In 1919, however, the juvenile court judge in Daviess County was hearing a good many cases against parents who did not keep children in school. In McCracken County the judge flatly refused to try adults for violations of the compulsory attendance law, claiming that such cases were not within his jurisdiction. In Harlan County, during the first four months of 1919, four parents had been prosecuted in the County Court for failing to send children to school. Three were fined \$1 and costs and one, \$5. Thirteen parents had been brought before the justice of the peace at Benham (Harlan County). They had demanded a jury trial and the jury had been unable to arrive at a verdict. In Monroe County two colored men, brought before the county court for failing to send children to school, pleaded the "flu" and were dismissed.

It is evident that the juvenile courts of the state do not, as a whole, appreciate the opportunities which the juvenile court law offers them of co-operating with the public schools and with the public and private relief agencies, in their efforts to reduce juvenile delinquency and dependency by striking at the root of the whole matter—bad family conditions. Reference to the chapters of this volume which deal with Child Labor and Education give abundant confirmation to the statement that adults responsible for truancy and violations of the child labor law on the part of children are in few counties receiving any attention whatever from the juvenile court.

Advisory Councils

Any juvenile court judge in Kentucky may, if he chooses, appoint an advisory board to assist him in his work. The boards are to consist of from six to ten members, who are to be unpaid and are to hold office during the pleasure of the court. Women are eligible for membership. Their duties are to visit at least once a year all institutions and agencies receiving children from the court, and to report on these visits to the county court from time to time and to the judge of the county court annually; to advise and co-operate with the judge of the county court upon all matters affecting the workings of the juvenile court act; and to recommend to the court any and all needful measures for the purpose of carrying out the provisions of the act.

Such boards have been appointed in Jefferson, McCracken and Kenton counties, but at the time of our visits, the board of Kenton County was the only one which was functioning. This board had been appointed to manage the proposed Detention Home and had been called upon for no other duties in connection with the court. In McCracken County the judge organized his advisory board to help him with some troublesome boys who were too young to send to the House of Reform. "They did help me," he says, "and would do it again if I would only call them together." The Jefferson County Board, after several years of effective service by some of the most representative people in Louisville, spl't over the appointment to it of a notoriously unfit man, and no meetings have been held during the incumbency of the present judge.

It is a great pity for the judges to deprive themselves of the real help which they could get from public-spirited men and women of their communities who have learned to work together in the war activities

of the past two years.* Their assistance would be of special value in solving the big problems of the rural courts, detention, probation and special care for girls.

Co-operating Agencies

The charity organization societies of Louisville, Lexington, Henderson and Owensboro were rendering valuable service to the juvenile courts in those cities. In Henderson and Owensboro, as already indicated, the secretaries of the societies served as volunteer probation officers. In Owensboro, this service covered Daviess County; in Henderson, it was limited to the town. In Lexington, the Associated Charities and the Visiting Nurse Association work in close co-operation with the probation department of the juvenile court, securing financial assistance or medical and nursing care, when needed, for court wards and their families. The Louisville court registers all cases with the Social Exchange, and the probation officers are instructed to consult the records of other agencies which are listed by the Exchange as having registered on court families. By a good bit of co-operation with the attendance department of the Louisville public schools, weekly conferences have been arranged between the attendance of officers and the visitors of the Associated Charities, at which are discussed all families who allege poverty as the excuse for keeping children out of school. The Associated Charities investigates the resources of the family, and either relieves the need or reports that help is unnecessary. Only in the latter event is the matter placed in the hands of the court for prosecution. The charge is then made truancy if the child is to blame or contributing to the delinquency of a child if the parents are held responsible. This method of eliminating hearings where poverty, rather than intentional misconduct, is the real cause of trouble serves the double purpose of sparing the family unnecessary humiliation and of relieving the always crowded court docket.

*Many of these people, in addition to learning how to work together, have been given valuable training in the principles of social work by the home service divisions of the Red Cross. Note these careful instructions which were sent to all county chairmen in Ohio during the influenza epidemic.

"Re Co-operation with existing state and local agencies for social welfare.

"(b) Where it is necessary to arrange for temporary care of children because of the illness of parents, the greatest possible care and caution should be exercised to make certain that their health and welfare is unquestionably safeguarded. Make every possible use of local agencies able to aid, and where difficulties are evident, ask the counsel and advice of the Child Welfare Department of the State Board of Charity, Mr. H. H. Shirer, 855 High street, Columbus, O." (Note that Kentucky has no such department available for her children.)

"(c) Where it is necessary to arrange permanent care for children because of the death of parents, the state agencies and probate and juvenile courts should be notified, and, if desired, temporary care given until the agencies are able to locate a permanent home for the children. In no instance must this procedure be disregarded. The authorized state agency must assume the responsibility for this service. The state agencies welcome the closest possible co-operation in this important phase of their work." (Note that Kentucky has no such state agencies.)

In Ashland (Boyd County) the captain of the Salvation Army acts as volunteer probation officer; the Salvation Army is also active in Middlesboro (Bell County) and in Frankfort. In Covington, the local Humane Society handles most of the work with dependent and neglected children.

The county public health nurse at Maysville occasionally is called upon by the judge to investigate the homes in which he has been requested to place dependent children for adoption. The Visiting Nurse Association of Lexington assists in securing medical and nursing care for children or their families.

The work of the Children's Protective Association and other Louisville agencies is described under the section on the Louisville situation.

The Louisville Situation

The juvenile court situation in Louisville differs widely from that found in any other city in Kentucky. The Jefferson County Court handles far more cases, both juvenile and adult, in juvenile session than does any other court in the state, as is only to be expected of the county containing the largest city. The volume of work necessitates the employment of more than one full-time probation officer, a situation which is found nowhere else in the state. Louisville is the only city, accordingly, where the organization of a probation staff can be studied. Again, the city possesses two unique public agencies closely related to the work of the juvenile court, the Board of Children's Guardians and the Supervisor of Parents. In addition to a Detention Home for the temporary care of children, the court may commit to a county-supported institution, the Parental School and to a municipal institution, the Louisville Industrial School. From the social service standpoint, Louisville is highly organized. One strong private agency, the Children's Protective Association, has as its special purpose to look after cases of neglect and delinquency, to prevent children from being unnecessarily brought to court, to investigate local conditions which promote delinquency and to campaign for their improvement. There are agencies for giving help to needy families, nursing organizations, hospitals and clinics, settlements, day nurseries, private institutions, a social service exchange, a staff of attendance officers, special schools for special kinds of children, a psychological clinic, a child labor association, women's clubs which are actively interested in civic betterment,—in short, practically all the possibilities for co-operation which any court in the country possesses are open to the Louisville court. All these elements justify a somewhat detailed discussion of the Louisville situation.

The probation department is housed in three rooms in the basement of the county courthouse. The location is in every way unsuitable. The room used by the assistant officers is dark, crowded and poorly ventilated; there is no place where the physical examination of children can be conducted in suitable quiet and privacy; the telephone service is inadequate; and the rooms are at an inconvenient distance from the juvenile court room.

The probation staff at present consists of one chief probation officer, a woman; six white officers, two men and four women; two colored officers, both women; and a trained nurse. Other court employees, especially assigned to work in the juvenile court, are a clerk and his assistant, a chauffeur and a young woman who acts as stenographer and telephone clerk.

With the four women officers, an effort has been made to assign cases on a geographical basis, districting the city and giving to each officer the cases of girls and, in some instances, of little boys living in her district. The two colored officers have to handle both boys and girls in all parts of the city. The two men officers handle the cases of older white boys, without regard to location. No daily reports are required of probation officers, but they turn in a monthly report which gives total number of cases handled. No staff conferences are regularly held.

The following table indicates the volume and distribution of the probation work during the first week in June, 1919:

TABLE 8.
PROBATION OFFICERS, NUMBER OF CHILDREN ON PROBATION TO EACH AND NUMBER OF CASES ASSIGNED FOR INVESTIGATION TO EACH IN THE LOUISVILLE COURT, JUNE 1-6, 1919. BY SEX AND COLOR. FIGURES FROM CHIEF PROBATION OFFICE.

Probation Officer		Number of Children on Probation			Number of Cases Assigned for Investigation.		
Sex	Color	M.	F.	T.	M.	F.	T.
m	w	25	--	25	5	--	5
m	w	33	--	33	5	--	5
f	w	25	7	32	6	2	8
f	w	19	21	40	2	5	7
f	w	--	51	51	3	4	7
f	w	10	33	43	4	4	8
f	c	24	26	50*	2	5	7*
f	c	32	26	58*	4	5	9*

*Colored.

The table indicates a surprisingly small number of children on probation to certain officers. A maximum of 50 children to an

officer is the standard usually agreed upon as desirable, but few city courts are able to hold the numbers down to that standard. So far as numbers go, the Louisville officers have the opportunity of doing almost ideal case-work. Unfortunately, the investigation was unable to include methods of case-work, and no definite statement can be made on the degree to which high standards are being observed. The officers, as a group, however, have not had the experience or training in methods of social work which are increasingly the prerequisite of effective service.*

From October 1, 1918, to September 30, 1919, 1,978 petitions were filed in the Louisville juvenile court. Of these, 391 were against adults; 1,055 were against delinquent children; and 532 were against dependent or neglected children. During the same period, 1,630 petitions for divorce were filed in the chancery branch of the circuit court; 120 men were indicted by the grand jury for desertion and 86 for non-support, about 190 of whom came eventually into the hands of the Supervisor of Parents, through the criminal branch of the circuit court; and the Superintendent of the Board of Children's Guardians handled 264 cases of non-support referred to him by the Police Court.

The last two agencies are peculiar to Louisville. Prior to the enactment of the juvenile court law, the jurisdiction which is now exercised by the juvenile court over dependent and delinquent children was exercised by the magistrates. In Louisville, this meant the judge of the police court. The need of some additional agency to look after children brought before this court became so evident that in 1892, a Board of Children's Guardians was created by the legislature, for counties containing a city of the first class. The six members, of whom two were to be negroes, are appointed by the judge of the police court, who is himself an ex-officio member of the Board. The term of office is three years, and two members are appointed annually. Service is unpaid. The statute gives the Board control over all dependent and neglected children in the county. They are required to provide a temporary home for such children and they have power, by leave of the judge, to commit children to institutions, to indenture them or to place them out for adoption. It is made their duty to institute proceedings against the parents of dependent and neglected children, and the county attorney, or in his absence, the city attorney must file all petitions and conduct cases for the Board. A tax not to exceed one cent on the hundred dollars may be levied by the fiscal court of the county and by the municipal board of the city to defray the expenses of the Board.

It is evident that the passage of the juvenile court law in 1906

*See pp. 227-231 for further discussion of probation methods in Louisville.

did away with the necessity for a Board of Children's Guardians, but the Board has continued to maintain the Detention Home, which is now used exclusively by the juvenile court and ought to be under county management and has employed two men to supervise non-supporting husbands ordered by the police court to pay certain amounts toward the support of their families. As already indicated, some 264 such cases were handled in 1918-19 by the Superintendent of the Board of Children's Guardians and his assistant. Between May 1, 1918, and May 1, 1919, \$43,362.80 was collected from husbands and paid over to families.

Exactly similar work is being done by the Supervisor of Parents for the circuit court, which also handles cases of non-support and, since 1916, when desertion was made a felony, gets all the cases of desertion.

The office of Supervisor of Parents was created by the legislature of 1917-18, and the present incumbent took office on June 1, 1918. He collected approximately \$20,000 during his first year of office.

Non-support cases are also being handled by the juvenile court as adults contributing to the dependency of children. It is quite possible for a woman who becomes dissatisfied with the way one agency is handling her case to go to another and it is claimed that there have been instances in which all three agencies have been working on the situation unknown to each other.

Economy and justice demand that all work of this nature should be brought together in one place, under competent and sympathetic direction. However designated, such supervision of delinquent parents is really adult probation and it logically belongs to a court of domestic relations.

The county judge of Jefferson County is overburdened with duties and should be relieved of the juvenile court hearings. The abolition of the Board of Children's Guardians and the office of Supervisor of Parents and a grouping of the juvenile work, the desertion and non-support work and the divorce work under one judge, probably one of the circuit court judges who by virtue of his election possesses both a chancery and a criminal jurisdiction, seems to afford the best possible solution for Louisville. It is strongly to be urged.

State Supervision

The juvenile court law of Kentucky requires each county clerk to make an annual report to the governor, on blanks to be furnished by the secretary of state, giving the number and disposition of delinquent children brought before the court during the year, together with "such other useful information regarding such cases and the parentage of

such children as may reasonably be obtained at the trial." No names are to be disclosed in the report, nor may it be published at state expense. Since the forms on which the report is to be made are mailed out from the office of the secretary of state and are returned to the governor's office, and since it is no one's business in either office to follow up the non-reporting clerks, it is not strange that reports from only 27 of the 120 counties were found on file for the year ending October 1, 1918. The form used for the reports is so poorly arranged, from the statistical standpoint, that no conclusions can be drawn from such figures as are received. This is the nearest approach to a means of supervision which the present law provides.

Before Kentucky can hope for a statewide system of juvenile courts which will be truly effective, some state supervisory body must be created which will be ready to lend its assistance to developing public opinion on the real meaning and value of probation work and which will act as advisor and guide to newly appointed officers and re-organized courts. This should be one function of the proposed State Board of Public Welfare, the establishment of which logically precedes any effort to create a State Probation Commission which would necessarily be limited to work with the courts.

The need of such an agency is doubly great in Kentucky because one part of the state is just being aroused from a Rip Van Winkle slumber, which has lasted not for 20 years but for two centuries. In one mountain county we find court records of a jury sentencing a 13-year-old boy to serve one year in the county jail for petit larceny,* and we learn that one lad was released from the House of Reform because, in the words of the official record, "at the time of the judgment he was only nine years old, and further (that) he was not sent on motion of his mother, who had him in charge, but over her objections and without hearing any evidence; (that) he had not committed any offense for which he could be committed."†

A pathetic little waif must have been the 11-year-old boy, charged with "loitering and habitually refusing to attend school and refusing to stay with any person who undertakes to control him and direct him in the right way," of whom the court record continues: "and it appearing that his father and mother are both dead and that he has no home and no one to properly control him and from personal observation and from other evidence that court is satisfied that he is incorrigible and that his future good and the good of society demands that he be committed to the House of Reform for Boys at Greendale, and it is the judgment of the court that he be taken by the sheriff of Harlan County and there confined for the term of three years, he being now

*Sentenced on September 4, 1918, by jury in Harlan County. The judge changed the sentence to three years in the House of Reform.

†Harlan County, order for release dated January 11, 1918.

11 years old."* Such dispositions arouse no general protest in the community because boys mature early under pioneer conditions and are early held responsible for their actions and parts of Kentucky are still thinking as pioneers. Girls marry young, and if illicit sex relations develop they are apt to begin at an early age. Prof. John F. Smith, of Berea College, in his unpublished study of some 100 cases of immorality among mountain women and girls, found that the majority of the offenders were still in their teens, and that many of them, because of their poverty, had been compelled to "hire themselves out" to other families, where the first temptation and the first immoral act took place.†

While the famous Kentucky feuds are a thing of the past, the contempt for legal procedure which they fostered is not wholly gone. Kephart, in *Our Southern Highlanders*, notes the frequency of homicide in the mountain districts of North Carolina, Tennessee and Kentucky and the difficulty of securing a conviction in counties where nearly every male citizen is in some way related to one side or the other.‡ Men and boys are still "quick on the draw" and public opinion is slow in condemning them.

However, it is not only in the mountain regions where it will take time to awaken the right attitude toward juvenile court proceedings. It was a judge in one of the river towns who said to the investigators in reply to a question: "Oh! we never commit colored girls to the House of Reform for sex delinquency. Why! immorality is their natural condition!"

There is also, on the part of people in general, a disposition to seek the drama of which their isolated lives are so largely deprived in the sordid revelations of "court-day." "Court-day," says Kephart, "draws bigger crowds than a circus." The first "juvenile court trial" ever held in Madison County drew a large crowd of spectators, who sat open-mouthed, leaning forward in their seats, so that they might not miss a word of the testimony relating to personal character which might remove children from their mother's custody.

These glimpses of characteristic exhibitions of public opinion indicate that the State Board of Public Welfare will find one of its most important and most difficult tasks to be the gradual education of people in general to some appreciation of modern methods of dealing with delinquent and dependent children.

In addition to shaping public opinion, the state supervisory bodies which have been chosen to direct the probation work of other states

*Harlan County, order dated December 20, 1918.

†Smith, John F., Professor of Social Science, Berea College Academy, *Delinquency in the Kentucky Mountains*. Unpublished manuscript.

‡Kephart, H. S., *Our Southern Highlanders*.

have usually been given powers and duties similar to those specified for the New York State Probation Commission:

"1. To exercise general supervision over the work of probation officers and to keep informed as to their work.

"2. To collect and publish statistical and other information as to the operations of the probation system. In carrying out this purpose, the commission may require reports from probation officers on blanks furnished by it.

"3. To inquire into the conduct and efficiency of probation officers from time to time, and when advisable to conduct a formal investigation of the work of any probation officer. The commission may issue compulsory process for the attendance of witnesses and the production of papers and may examine persons under oath, and exercise the same powers in respect to such proceedings as belong to referees appointed by the Supreme Court.

"4. To make recommendations as to the operations of the probation system, and to secure its effective application and the enforcement of the probation law in all parts of the state.

"5. To inform all magistrates and probation officers of legislation directly affecting probation, and to publish an annual list of probation officers.

"6. To meet at least bi-monthly.

"7. To make an annual report to the legislature."*

RECOMMENDATIONS.

This study is based upon personal visits to 23 counties in Kentucky which are believed to be typical of the various sections of the state. It reveals complete disregard of the juvenile court law in most of the rural counties; a beginning at organization in the cities of the second, third and fourth class which does not reach outside the county-seat and full organization only in Lexington and Louisville. It shows complete neglect of the dependent child on the part of the state, except insofar as its appropriations to the Kentucky Children's Home Society can be considered the beginning of a state scheme of care. The illegitimate, the crippled, the venereally diseased, the child afflicted with other curable maladies; these large and pitiful groups, in whom dependency is complicated by other handicaps, stand absolutely alone, save as some private agency lends a hand.

The causes which are operating to produce these groups are revealed in the preceding chapters of this volume, and no attempt will here be made to point out the paths by which child labor, poor health, the poverty of the isolated farm home, lack of educational

*Manual for Probation Officers, State Probation Commission, Albany, N. Y., 1918, p. 137.

facilities and of wholesome recreation lead to juvenile delinquency or dependency. Our discussion has been confined to the machinery of juvenile court administration.

In the hope of bringing that machinery to higher efficiency, we offer the following recommendations:

1. The juvenile court law must be so amended as to make public funds available to every county in the state for carrying out the purpose of the act. This can be done by striking out the population limitations, which at present permit only counties "having a city of the first or second class" to levy a tax for juvenile court expenses.

2. It is not enough to have funds available. It must be compulsory upon every county in the state to make an appropriation for this purpose. This can be done by changing "may" to "shall" in the sections relating to the tax levy.

3. If the wisest use is to be made of public funds thus appropriated it is essential that some state supervisory body be created to direct the organization and re-organization of probation service and the other forms of juvenile court work and to educate the public as to its desirability. Since Kentucky has no state department of charities, it would be unwise to limit this supervisory body to work with juvenile courts, or even with children. The whole problem of delinquency, dependency and defectiveness, adult as well as juvenile, should be attacked. Specialization will inevitably develop, but we believe that when it comes it is better handled as one branch of a State Department of Public Welfare than as a separate agency. We recommend the creation of a State Department of Public Welfare among whose duties shall be the development of juvenile court work in the manner above outlined.

4. In the interests of improving the probation service of the juvenile courts it is urged:

- a. That the limitations now set by the juvenile court law upon the salaries of probation officers be removed and that pending the creation and appointment of county boards of public welfare the fiscal court be empowered to fix the amount of salary to be paid. After the establishment of county boards of public welfare they should choose probation officers and fix salaries.

- b. That as soon as the State Department of Public Welfare shall be created, certification by that board shall be required of each applicant for an appointment as probation officer.

- c. That it be made compulsory upon each county to secure paid probation service for its juvenile court, but that some combination of county social service offices, such as those of probation officer, attendance officer and poor relief officer be recommended for the smaller counties, possibly under the name of county superintendent of public welfare.

d. That provision be made for the transfer when necessary of probationers from the care of a probation officer in one county to similar oversight in another county.

5. The law should authorize juvenile court judges to secure temporary care for delinquent or dependent children, when necessary, in private homes at county expense, and each county should be required within a reasonable time to make satisfactory provision for the temporary detention of court wards .

6. The law should authorize juvenile court judges to expend public funds for the medical or surgical care of children before the juvenile court who are in need of such care and whose parents are unable to pay for it. Provision should also be made at reputable hospitals throughout the state for the free care of any child suffering from a remediable deformity or disease, and the county should be authorized to pay transportation for any such child and escort after proper investigation has established the fact that the child's parents are unable to pay.

7. In order to clear up the question of jurisdiction as to age given to juvenile courts by the present law it is recommended that the phrase "17 and under" be changed to read "under 18" and the phrase "18 and under" be changed to read "under 18."

8. Juvenile court judges should be given the right to refer girls' cases to a woman referee, and a suitable woman should be required to be present in the court room during the hearing of each girl's case.

9. On commitment to a state institution or agency jurisdiction of the child should pass from the juvenile court to the institution.

10. A Family Court (or Court of Domestic Relations) should be established for the city of Louisville, with a specially appointed full-time judge, the duties of this court to be similar to those usually exercised by such tribunals.

11. The apprenticeship law should be repealed.

12. Laws similar to those of Minnesota should be passed to prevent indiscriminate transfers of the permanent custody of children, either by courts, by institutions or agencies, or by individuals.

13. A commission should be appointed by the governor to study the advisability of mothers' pension legislation in Kentucky and to devise the best method of administration, should it be their decision that such legislation is needed.

LAW AND ADMINISTRATION

W. H. SWIFT

It is now generally accepted that it is the duty of the state to care for, protect, educate, and develop its children; but the extent to which it should go is not yet determined. The boundary lines set for state activity in one decade will be found to be entirely too narrow for the next. This is a part of civilization, and civilization is always on the move. In the United States the whole matter is further complicated by the fact that the scope and function of the national government in this field, in contradistinction to that of the government of any one of the states, is not at all settled. There are, however, evidences that more and more the national government is going to make inquiry as to the care and development of its children. The children of any state, of every state, are, first of all American children and must be treated as such by the national government, but the chances are that for a long time the work of the national government will be for the most part supervisory. This supervision will be accepted by the states in consideration of grants of money from the national treasury. It is evident, therefore, that the children of any of our states are dependent for the most part upon the laws and agencies of that state for proper care and development.

In the several states the business of giving care to children is usually divided among four departments: health, education, charities or welfare, and labor. The duties and function of each of these four state departments are in a general way indicated by their names; but their full duties are not always clearly set out and there are frequent overlappings of authority. Sometimes certain of these functions are exercised by a department created not at all for the purpose. Sometimes we find one of the departments almost, if not entirely, lacking.

Kentucky is a state in point. She has no department of charities or public welfare or anything corresponding to such a department. The state has within her borders many charitable institutions caring for children, and appropriates considerable money to some of these institutions; but there is no department of state authorized to supervise any of them.

PART ONE

I. Marriage

In no small measure the life, character, and attainments of the children of any state will be determined by the enforcement of laws regulating marriage. In Kentucky a man may not marry his mother, grandmother, sister, daughter, granddaughter, the widow or divorced

wife of his father, grandfather, son or grandson, nor the daughter, granddaughter, mother or grandmother of his wife; nor the daughter or granddaughter of his brother or sister; nor the sister of his father or mother. A woman is under the corresponding prohibitions. Neither death nor divorce terminates the relation, and the rule includes illegitimates and their kin. Marriages thus prohibited are declared to be incestuous and void:—C. Ky. S., 2096.

Marriage in the following cases is prohibited: 1, with an idiot; 2, between a white person and a negro or mulatto; 3, when one of the parties has a living husband or wife not divorced; 4, when not contracted in the manner prescribed by law; 5, when at the time of the marriage the male is under 14 or the female under 12 years of age:—C. Ky. S., 2097.

The reading of this last clause brings surprise. It means that it is possible for a boy just 14 and a girl just 12 years of age to marry. It means, as will be seen by reference to the report on education, that a girl might legally marry and possibly become a mother and yet be required to attend school, if she lives in certain cities.

Marriage obtained by force, fraud, or without the consent of the parent or guardian of a boy under 16 or a girl under 14 years of age, may be declared to be void, if there has been no co-habitation after the boy becomes 16 or the girl becomes 14 years of age:—C. Ky. S., 2100. But the law relaxes, for the benefit of children, the strict rules declaring certain marriages to be void. Children born of even void marriages are declared to be legitimate, except in cases: 1, where the marriage was declared to be void in the life of the parties; or 2, where the marriage was between a white person and a negro or mulatto:—C. Ky. S., 2098.

Children born of a marriage where one of the parties is a lunatic, are legitimates:—C. Ky. S., 2098. Children of a marriage where a former husband or wife was living but honestly believed to be dead, are legitimate if born or begotten before notice of the mistake:—C. Ky. S., 2099.

If there be doubt as to the validity of a marriage, a proceeding in equity will be held to determine this fact. Here again the law intervenes for the child. If one of the parties is under age of consent, the other being of the age of consent, the proceeding will not be against the one under the age:—C. Ky. S., 2115.

Requisites for Marriage

Marriage may be solemnized by an authorized minister or priest of any denomination, by judges of the county courts and such magistrates as either the Governor or any county court may designate, or according to the usages of any religious society:—C. Ky. S., 2103. But

here again the strict rule is relaxed by the declaration that if either of the parties believed that the person performing the marriage had authority, it is a marriage, even if there was in fact no authority:—C. Ky. S., 2102.

The law forbids any minister or priest to solemnize a marriage unless he has a license from the county court. This is to be had upon showing of good character and that he is in good standing with his denomination, and may be cancelled by the county court:—C. Ky. S., 2104.

Marriage License

No marriage may be performed unless there is first obtained and placed in the hands of the person about to perform the same, a license from the clerk of the county court of the county in which the female resides; but if the female is of full legal age, or a widow, and the application for a license is made by her in person or in writing signed by her, the license may be issued in any county:—C. Ky. S., 2105. If either of the parties making application for marriage license is under 21 years of age the consent of the father or guardian, or if the father is dead or absent from the state, then of the mother, in writing, must be filed with the clerk of the county court before the license will be granted. But this requirement does not hold when the party, even if under age, has been married before. When the parties are unknown to the clerk of the court, and he is not therefore able to know whether or not they may lawfully marry, a bond of \$100 is required to guarantee this fact:—C. Ky. S., 2106.

Every marriage license with the certificate of marriage properly filled out showing the name of the person solemnizing, and date and place of solemnization, must be returned by the person performing the marriage within three months from the date of the marriage:—C. Ky. S., 2107. A record of all these is kept in the county court:—C. Ky. S., 2108.

Court Decisions

The Court of Appeals has held:

1. Marriage may be proved by the fact of open co-habitation; that children were born and took the name of the father; and that he supported the mother and child:—167 Ky., 66.
2. A marriage procured by fraud will be declared to be void only at the instance of the one defrauded:—76 Ky., 326.
3. The general rule that marriages valid where celebrated are valid in Kentucky, is subject to two exceptions; namely, incestuous and polygamous marriages:—67 Ky., 51; but children of an incestuous

marriage cannot be declared to be illegitimate after the death of one of the parents:—56 Ky., 215.

4. If a man have a child born of a woman at that time the wife of another, and later marry the mother and recognize the child as his own, it becomes legitimate:—174 Ky., 545.

To seduce a woman under 21 years of age under promise of marriage is a crime. Marriage or willingness to marry is a bar to prosecution, but in case of marriage, abandonment, without cause, in three years, renews the offense:—C. Ky. S., 1214. A married man may be guilty if the woman believed him to be single:—98 Ky., 708. The man is not guilty if there is reasonable doubt as to the previous chastity of the woman:—161 Ky., 257.

Criminal Law

It is unlawful for anyone to solemnize a marriage without having authority or without having the license:—C. Ky. S., 2109; to impersonate any minister in performing a marriage, or any parent or guardian in obtaining a marriage license:—C. Ky. S., 2110; for any clerk of the county court or his deputy knowingly to issue a license for marriage prohibited by law:—C. Ky. S., 2112; for any person knowingly to solemnize any marriage forbidden by law:—C. Ky. S., 2112; for any person to contract an incestuous marriage or a marriage between a white person or mulatto:—C. Ky. S., 2114.

Discussion

1. With the consent of the parent or guardian, a girl just over 12 or a boy just over 14 years of age may legally marry. Children of this age are not capable of entering into the most serious contract of life. The age at which any child may marry should be made 18.

2. The manner of granting marriage licenses is too lax. To improve the whole matter it is suggested:—

(a) That a ten days' public notice be required to be given in the county in which the application for license is to be made.

(b) That both parties be required to appear before the clerk of the county court and answer under oath such questions as, if all answered "yes," will show that the parties may legally marry. The questions and answers should be made a part of the license, and recorded as such. It should be made a crime to make any false statement, and for any person affected with venereal disease to marry.

(c) The right of the clerk of the county court to require a bond of \$100 simply because the parties are not known to him is not altogether fair. It should be required of all or none. Proper provisions for granting licenses and the criminal law will serve the purpose meant to be served, much more effectively.

3. Provision should be made to prevent the marriage of any feeble-minded person. If nothing stronger can be had, there should be at least the certificate of the clerk of the county court—that upon appearing in person before him and answering the questions propounded, each of the parties appeared to be of sound mind. It should be made unlawful for the clerk of the county court knowingly to issue a license for the marriage of an insane, feeble-minded or epileptic person.

II. Husband and Wife

Out of the legal relation existing between husband and wife spring certain rights and liabilities with reference to each other and to third parties. These, in some cases directly and in many cases indirectly, condition the welfare of children.

Mutual Rights and Duties

In Kentucky a wife is under no legal obligation to support her husband. On the other hand, it is the duty of the husband to support his wife. This rule rises above the duty of a man to pay his debts:—11 Ky. Opin., 399. Where necessities have been furnished to a wife by a third party the husband is liable:—C. Ky. S., 2130. Medical attention for the wife and expenses incident to the burial of her body are necessities:—146 Ky., 6. In cases of absolute divorce, the court is empowered to order maintenance for the wife out of the property of the husband. The rule is, that a wife is required to live with her husband in the home provided by him in the place where his business requires him to be. If she refuse to live there, and there be no good reason for her refusal, she cannot look to him for support:—151 Ky., 116.

When there has been a separation through no fault of the wife, whether there be an absolute, or bed and board divorce, or no divorce at all, the court will order an allowance for the support of the wife. Neither divorce nor even grounds for divorce are necessary. The action may be independent of divorce proceedings. Such allowance is based upon the fact that it is a man's legal as well as moral duty to support his wife:—160 Ky., 267; 157 Ky., 775.

The Van Meter case reported in 168 Ky., 782, states the law in this matter. This case holds that an order for alimony is not final but remains under the control of the court and may be changed as circumstances demand; and that the right to alimony may be enforced without regard to right of divorce:—168 Ky., 783.

It is a criminal offense for a man to abandon his wife or to fail to provide her with means of support:—C. Ky. S., 4758.

Property Rights

Except as to the right of courtesy and to share in the distribution of the surplus of the personal estate of his deceased wife, a husband has no right or interest in her estate. The general rule is that her property is not liable for his debts. It is liable for her own debts, whether contracted before or after marriage:—C. Ky. S., 2127. Except as to the right to support for which the estate of her husband is liable and also her right to dower and to share in the distribution of the surplus of her deceased husband's estate, a wife has no interest in her husband's estate.

A married woman has the right to acquire and hold real or personal property and to contract, sell and dispose of her personal property as if unmarried. She has the right to rent or lease her real property and to collect rents for the same. She is empowered by law to contract for the improvement of her real estate:—C. Ky. S., 2128, and when a wife acquiesces in the improvement of her real estate by her husband in order to defraud his creditors, she will be held liable:—78 Ky., 643. A wife may make her husband her agent and thereby become personally liable:—160 Ky., 677. She is not liable for necessities furnished to her but on her husband's account:—174 Ky., 229. A married woman 21 years of age has full right to make disposition of her property by will:—C. Ky. S., 2147. Conveyance of a wife's real estate must be made by the deed of both husband and wife duly recorded:—C. Ky. S., 2129. A married woman cannot mortgage her lands without the consent of her husband:—151 Ky., 443, and a deed by the wife is absolutely void unless her husband joins:—177 Ky., 109.

When a husband abandons his wife and lives apart from her, or leaves her without support, or is confined in the state penitentiary for a term of more than one year, or has been adjudged to be insane, the court will empower the wife to sell and convey her real estate just as if she were not married:—C. Ky. S., 2131; 135 Ky., 264. A husband is not liable for the debts of his wife contracted before or after marriage, except as to the value of property received from her and except for necessities:—C. Ky. S., 2130.

Rights Arising at Death of Husband or Wife

At the death of either husband or wife, the survivor is entitled to a life estate of one-third in value of all real estate of which the other was seized or which was held in trust for the other during coverture, and the right to which has not been barred, forfeited or conveyed. A surviving husband or wife is also entitled to one-half of the surplus of the deceased husband's or wife's personal estate:—C. Ky. S., 2132. The rights to dower and courtesy and to take a share in the surplus of the personal estate, will, of course, be barred by the order of the circuit

court in cases of absolute divorce:—C. Ky. S., 2144. If either husband or wife voluntarily leaves the other and lives in adultery, all rights of dower or courtesy and to share in the personal estate are forfeited:—C. Ky. S., 2133.

The Eversole case reported in 169 Ky., 793, holds that a wife may forfeit her rights in her husband's estate by adultery or bigamy, by jointure, or by divorce, or by deed. The same case holds that a wife convicted of slaying her husband, does not, because of this, forfeit her rights in his estate:—169 Ky., 793. A judgment rendered by default or collusion of the husband is no bar to the wife's right of dower:—C. Ky. S., 2140

The general rule is, that a wife's interest in her husband's estate will be barred by jointure; but if such jointure was made before marriage, without her consent, or during her infancy, or after marriage, she has the right at any time within 12 months from the death of her husband, to file written notice that she relinquishes her jointure, and to claim her rights of dower and her share of the surplus of her deceased husband's personal estate:—C. Ky. S., 2137.

The law of Kentucky looks with favor upon ante-nuptial agreements, unless procured by fraud, concealment, deception or undue influence. The burden is on the party alleging it to show any of these:—170 Ky., 61; 163 Ky., 260. A conveyance by a husband of his estate before marriage and without the knowledge of his wife, is a fraud upon her marital rights, but the husband has the right to make reasonable provisions for his children by a former wife:—175 Ky., 75.

Court Decisions

It has been held by the Court of Appeals that a wife may sue her husband on a contract:—159 Ky., 647; and that a wife divorced from bed and board may sue her husband for tort:—180 Ky., 705.

It is an interesting fact that in Kentucky a husband is not liable for the slander of his wife:—100 Ky., 138.

Criminal Law

It is unlawful for a man or woman having a living husband or wife and not divorced, to contract a second marriage. Any woman who commits bigamy forfeits all right of dower in her husband's estate. The lawful wife of a bigamist is entitled to dower for life in one-third of his real estate and to have made over to her, absolutely, one-third of his personal property:—C. Ky. S., 1216, 1217.

Discussion

1. A man should not be legally free to destroy the character of his wife. It should be made unlawful for him to slander her.

2. It should be made a felony for a husband to abandon his pregnant wife or his wife with a child under 16 years of age, or his wife without children if she is unable to support herself. Juvenile courts should be given jurisdiction in all such cases with authority to order a part of the wages of the husband to be paid for the support of the wife. In cases of imprisonment at labor, wages should be paid for such labor under the direction of the juvenile court, to the wife for her support. Provisions should be made for bringing back the deserters of wives.

III. Prenatal Care and Care of Children at Birth

We move naturally from the relation of husband and wife to that of parent and child. Most of the care of children gathers about this second relation. Before entering this field, however, it will be well to know just what Kentucky undertakes to do to insure proper care for unborn children and pregnant mothers, and for mothers and children at the time of birth.

It is unlawful to prescribe or administer any drugs or medicine to any pregnant woman, or to use any instrument upon her for the purpose of procuring a miscarriage. It is a felony to cause the death of an unborn child or of such pregnant woman. The consent of the woman to causing the miscarriage is not a defense:—C. Ky. S., 1219-a. It is a crime for a woman to undertake to destroy a bastard child in order to conceal its birth:—C. Ky. S., 1220. The law requires that every midwife shall register with the local registrar of vital statistics:—C. Ky. S., 2062a-16.

Discussion

Human passion will take care of the problem of children up to the time of pregnancy. Thereafter, if the state of Kentucky is to treat seriously the growing of the best type of men and women, it must give immediate attention to the following:

1. It should be made unlawful for any pregnant woman to take any drug or use any instrument or any other means for the purpose of causing a miscarriage.

2. It should be made unlawful for any person to employ a woman within 60 days of the birth of her child. Where a woman with a child under one year of age is employed, the law should require her employer to release her at such intervals and for such time as is necessary to nurse and care for the child.

3. The State Board of Health should take immediate steps:—

(a) To place within reach of every woman in every county such information as to the care of herself and her baby as is necessary.

(b) To insure every woman who may be in need of it, proper

hospital care before and at the time of her confinement. Provision should be made for making an allowance out of public funds for care of any needy woman and her child at the time of confinement.

4. Every midwife should be required to take a course of instruction, to stand an examination, and to hold the certificate of the State Board of Health. The course should be simple at first, but should be expanded and made more rigid from time to time.

5. The law should require every physician and midwife to keep on hand the specific adopted and supplied free of cost by the Board of Health for the eyes of newborn babies, and to apply it to the eyes of every newborn baby.

IV. Parent and Child

The state of Kentucky knows full well that not all of her children will be born of parents duly married. Still, having provided by law for the establishment of the relation of husband and wife, she hopes that each fit husband and wife will become a father and a mother; that out of each union will spring a child, or better, children.

Duties of Parents

In Kentucky it is primarily the duty of the father to support, nurture and educate his child:—C. Ky. S., 2016; 133 Ky., 669. This primary duty is so high and binding that the law will not permit it to be relieved or diminished even in cases of divorce, when the children are placed in the custody of the mother:—163 Ky., 242. Still, while this duty rests primarily upon the father, and cannot be evaded legally, and is presumed to be performed by him, and while he will be held liable for necessities furnished to his child, it is equally the duty of every mother to support and educate her child:—C. Ky. S., 2016, 2033. It is a crime for any parent wilfully to fail to support his or her child under 14 years of age:—C. Ky. S., 328, or for a parent or other person, having a child in charge, wilfully to desert a child under six years of age, recklessly or with intention to abandon it:—C. Ky. S., 329. The general law making it a crime for any person wilfully and unnecessarily to expose or injure any child under 16 years of age, applies of course to parents as well as to other persons:—C. Ky. S., 327, and it is a felony for a parent to desert a child under 16 years of age:—C. Ky. S., 331i.

The general rule is that the parent must support the child without regard to his (the child's) estate:—140 Ky., 470; but if the parent is poor and unable to support and educate his child, and if, at the time, the child has property in its own right, the law will permit the child's estate to be charged for support and education:—130 Ky., 354; 133 Ky., 669. It has been distinctly held that it is the duty of a widow to sup-

port her child, and that when she is able, the child's estate may not be charged. The same case holds that a stepfather is under no obligations to support his step child:—9 Ky. Opin., 52.

Rights of Parents

Corresponding to the duties imposed upon the parent, the law gives him certain rights with reference to the child. In fact, the two run largely together and in most cases are treated in law as a joint matter. The law is, that the father and mother have a joint right to custody, nurture and education:—C. Ky. S., 2016. In the matter of appointing a guardian for a child, the law gives preference to a parent. As between the two, the preference goes first to the father; if he is not living, then to the mother:—C. Ky. S., 2033.

Following out the rights of custody, it is undoubtedly the law that both parents acting jointly have or, if one be dead, the surviving parent, acting alone, has the right to give the child to another person so as to transfer the permanent custody and care of it. It has been held that it is not against public policy for a parent to surrender the custody of his child by placing it with a child-placing society. The same case, however, holds, that such surrender may be cancelled if it is for the best interests of the child:—153 Ky., 429. No formal proceedings are required for the transfer of the custody of a child by his parents, except that in case of adoption of an infant the circuit court transfers parental control when it is desired by all parties:—C. Ky. S., 2072. The right of a parent to have the custody of his child may run even after the parent's death. Either parent may by will appoint a guardian for his or her child:—C. Ky. S., 2016.

But the rule of all rules in this connection is, that while the law recognizes and will uphold the rights of parents to have the custody of their children, the court will, not only in divorce cases, but in all other cases where the interests of children are involved, use its sound discretion and award the custody to either parent or to a third person as the best interests of the child and all the circumstances indicate. The right of the court to safeguard the interests and provide for the welfare of the child rises above any and all parental rights.

The right of a parent to have the custody of his child was considered and determined in the case of *Mason vs. Williams*, reported 165 Ky., 331.

The court held that the father and mother have equal joint rights to custody. If one parent is dead, the other, if suitable, takes the custody; a parent has the right to determine the custody of his child by will or gift, but this right cannot be exercised so as to defeat the rights of the other parent; and the rights of a parent to the custody



of his child are superior to the rights of a statutory guardian:—165 Ky., 331; 179 Ky., 18.

In actions for divorce, whether the action be pending or at final judgment, minor children of the parties are before the court, and may be placed with either parent, or some with the one and some with the other, or some or all with third parties, just as the court may think for the best interests and the welfare of their children. Any order made with reference to such children remains before the court and may be changed from time to time as the circumstances warrant.

Rights of Parents to Services of Child

The law of Kentucky gives to a parent the right to the services and earnings of his child:—151 Ky., 109. It follows, therefore, that he has a remedy in law against anyone who entices his child away. It also follows that the parent may recover damages for injury to his minor child for the loss of services and earnings and also for medical attention and care necessarily given. On the other hand, the law holds that a parent may emancipate his child.

In this connection it should be stated that when a child is injured through the negligence of another, two actions will lie; one by the parent for loss of services and earnings and for necessary medical attention and care, and one by the infant for the suffering and permanent injury:—156 Ky., 222; 153 Ky., 228.

The right of the parent to the services of the child was discussed at length in the case of Rounds Brothers vs. McDowell. The court held that a parent being under the legal duty to support his minor child, is entitled to his services and earnings; and that a parent may lose this right:—

- (a) by failing to provide a home for the child.
- (b) by such treatment as forces the child to leave home.
- (c) by becoming so degraded that the child cannot live with him.
- (d) by emancipation, express or implied:—133 Ky., 669; 151 Ky.,

109.

A father who acquiesces in the employment of his minor child in a dangerous occupation cannot recover damages for his injury:—148 Ky., 22. Neither can a parent recover damages for injury to his child if he knowingly permitted such a child to be employed in violation of the child labor law. But one of the parents may recover if innocent of such knowing permission:—169 Ky., 38. When a father consents to the employment of his child in violation of the child labor law, he cannot recover damages for the death of such child, he being the sole beneficiary:—173 Ky., 49.

There is an interesting decision in the case of Adams vs L. & N. R. R. Co., reported in 153 Ky., 42. This case holds: that when a minor

is injured and the father is living the mother has no cause of action; that in order for a mother to have a cause of action in such a case, she must be a widow and that the child must reside with her and be supported by her:—153 Ky., 42.

Adoption

The law of Kentucky recognizes the right of a parent to give away his child; but it will not permit this right to be exercised in derogation of the rights of the other parent. The parents of a child acting jointly, or the survivor, if either of them be dead, may give to the adoptor permanent control and custody of the child:—C. Ky. S., 2072.

Any person 21 years of age may petition to the court to adopt any other person and thereby make such person his heir at law; but this gives no right of control or custody of the child, unless such right of control and custody has been transferred in the manner just above set out:—C. Ky. S., 2072.

It has been held by the Court of Appeals that a judgment of adoption makes the one adopted an heir at law regardless of a later adoption of the same child; and that an adopted child inherits as a natural child except that he does not take from the ancestors of the adoptor:—143 Ky., 132.

Apprenticeship

The county court has the power to bind out poor orphans and other children whose parents will not bring them up in moral courses, and also the children of a man condemned to the penitentiary; but before acting the person with whom the child resides must have notice to show cause why it should not be done:—C. Ky. S., 2591. The guardian, or if there be no guardian, the mother, may bind out an orphan:—C. Ky. S., 2593.

The term of apprenticeship is until 21 for boys and until 18 for girls:—C. Ky. S., 2594. The indentures must show the trade to be taught, and provide for proper food, clothes, and treatment, including medical attention. The master is required to pay the apprentice at the end of the term, if a boy, \$100; if a girl, \$50; but if the master teaches the apprentice to read and write, he is not bound to pay anything:—C. Ky. S., 2596.

If an apprentice desert his master he is liable in damages:—C. Ky. S., 2600. Whoever entices an apprentice away or employs him is required by the law to pay to the master \$3 a day for loss of services:—C. Ky. S., 2601.

The county court will hear complaints of apprentices and in

proper cases will cancel the contract and re-apprentice the child:—C. Ky. S., 2602. The county court will also hear complaints against apprentices:—C. Ky. S., 2603.

Criminal Law

1. It is unlawful for any person more than 14 years of age to take or carry away from his parent or guardian, without his consent, any unmarried girl under 14 years of age:—C. Ky. S., 1156.

2. For any person more than 14 years of age to decoy or entice any child under ten years of age away from the parent or guardian of such child:—C. Ky. S., 1157.

3. For any parent, guardian or any other person having the child in charge to contribute to or cause such child's dependency, neglect, or delinquency:—C. Ky. S., 331g.

Discussion

1. It is a felony for any person to abandon or fail to support his child under 16 years of age:—C. Ky. S., 331i. Provision should be made for bringing back child-deserters as well as wife-deserters, and the juvenile court should be given the right to order support for the child out of the wages of the father. When he is imprisoned at work, a daily wage should be paid out of the public funds for the support of the child.

2. The whole act relating to apprenticeship should be repealed.

Children Living Under Unusual Conditions

The average child in Kentucky lives in his home with his parents under the normal relation of parent and child. Where one of the parents is dead, the survivor simply takes alone what were formerly joint duties, rights, and responsibilities. But there are many children in the state who do not enjoy full normal lives in homes with parents. The relation of parent and child may be interrupted or broken:—

1. By apprenticeship or adoption when the adoptor takes with the consent of the parents the custody of the child. Apprenticeship and adoption have already been discussed.

2. By the fact that the child has arrived at full legal age, or being of legal age, has married. The law is that in the marriage of an infant of legal age all rights of the parent to custody and services end. The infant is presumed to be building his own home. But marriage gives to an infant no right to manage his own estate. A guardian is still required:—160 Ky., 432.

3. By the emancipation of the child. This has been discussed.

4. By abandonment of the child by his parents. This has likewise been referred to.

5. By separation or divorce of the parents.
6. By death of one or both parents.
7. And of course there remains the illegitimate child for whom the full normal relation of both father and mother is not usually completely established.

Whenever and however the relation of parent and child is broken, it is the policy of the law to supply a substitute parent for the child.

V. Guardians

In Kentucky the rule is that every minor having an estate, real or personal, must have a guardian. The law does not permit a minor to act for himself with reference to his estate:—160 Ky., 432. Guardians are under the jurisdiction of the county court:—C. Ky. S., 2015.

Either parent may appoint by will a guardian for his minor child, but such appointment will not be effective to deprive the other parent of the custody of the child. All guardians other than those appointed by the will of a parent for nurture and education, are appointed by the court, and every guardian is required to give bond for the faithful performance of his trust:—C. Ky. S., 2017. Even when a guardian is appointed by the will of a parent with the direction that no security be required, the court may in its discretion appoint a guardian to care for the interests of the child:—C. Ky. S., 2020. In the appointment of a guardian the court will give preference to a parent. As between parents, the court may in its discretion select the more fit of the two:—162 Ky., 316.

In Kentucky there are two kinds of guardians; one for the care of the person, and one for the care of the estate of the minor. The practice is frequently to combine the two into one. It has been held by the Court of Appeals:—

1. That the county court has the right to appoint as guardian, whichever parent is more suitable:—165 Ky., 331.
2. That a guardian may be removed from the care of the estate of a minor and still retain the custody of the child:—167 Ky., 331.
3. That a parent in appointing a guardian for a minor child by will, cannot require such guardian to pay over the estate to such child during minority. A minor must have a guardian for his estate:—160 Ky., 432.

A child 14 years of age has the right to select his guardian, but the court is not required to appoint the person selected:—C. Ky. S., 2022. When a ward arrives at the age of 14 he may in a proper case have his guardian discharged and a new one appointed:—141 Ky., 278.

The court will remove a guardian who fails to make proper settlement or to obey the orders of the court:—C. Ky. S., 2026.

Every county judge is required to make annual inquiry as to the bond of every guardian in his county:—120 Ky., 433.

A guardian may take the custody of his ward and must provide for the maintenance and education out of the estate:—C. Ky. S., 2033.

Guardians are permitted to use only the income from the estate for maintenance and education unless directed to spend more by the will of the parent or the child is so young or in such health that he cannot be apprenticed; or the court shall find that the expenditure of the body of the estate is best for the ward:—C. Ky. S., 2034.

Descent and Distribution

As a rule a guardian is appointed because of the death of a parent. The child by reason of such death comes into the right of property. The general law in Kentucky is that either the father or mother may by will deprive a child from sharing in his or her property after death.

The real estate of a deceased parent descends to his or her children and the descendants of such children. If there be no child or descendants of a child then to the deceased's father and mother. If there be but one parent living such parent takes all:—C. Ky. S., 1393. The law further declares that descendants of any inheritor take by representation:—C. Ky. S., 1394; that collaterals of the half-blood take only half portions:—C. Ky. S., 1395; that estates of illegitimates descend as if they had been born in wedlock, except that if there is no child or descendant of a child all the estate goes to the illegitimate's mother or her kin:—C. Ky. S., 1397. If a man has an illegitimate child born of a woman whom he later marries, recognizing the child as his own, such child and his descendants inherit from him:—C. Ky. S., 1398. A child born within 10 months after the death of the deceased husband of a widow-mother, inherits from such husband:—C. Ky. S., 1399.

The surplus of the personal estate of a deceased parent is distributed in the same manner as the real estate descends, subject, however, to the following rules:—

1. A husband or wife takes one-half of the personal estate:—C. Ky. S., 2132.

2. Personal property or money on hand or in bank to the amount of \$750 is exempt from distribution or sale and is set apart to the use and benefit of the widow and children, or the widow if there be no children. This rule holds when the widow renounces the will of her husband:—C. Ky. S., 1403.

3. Advancements by the parent to the child must be accounted for; but where the advancement was made for maintenance or education or by giving money to a child or grandchild, the law does not require it to be accounted for:—C. Ky. S., 1407.

Criminal Law

The law making it a crime for any person or parent having a child under 16 years of age in charge, wilfully to expose it or to desert any child under six years of age applies of course to guardians having custody. It is just as unlawful for any such guardian to sell, give away or let out his ward under 16 years of age to beg, or, if a girl to engage in a wandering occupation or to engage in any indecent, immoral or unusually dangerous occupation, as for any parent so to do. The law in regard to contributing to the dependency, neglect or delinquency, applies to parents and guardians alike.

Discussion

The judge of the county court has the control of all guardians. If he is faithful in the discharge of his duties, the interests of children who have or should have guardians, should be well cared for. There are, however, certain changes which should be made in the law.

1. In order that there may be no doubt, the law should forbid any parent to will his or her property so as to deprive any child under 16 years of age of the means of support and education. Whoever takes property from a parent by will should take it charged with the maintenance and education of every child of such parent under 16 years of age.

2. The right which a guardian has to apprentice his ward should be taken away.

VI. Divorce

Two kinds of divorce are provided for—absolute and divorce from bed and board. An absolute divorce will be granted to both parties when there is such impotency or malformation as prevents sexual intercourse or when the parties have lived apart without cohabitation for five consecutive years, or to the party not in fault for the following causes: abandonment by the other party for one year; where the other party is living in adultery; where the other party has been convicted of a felony; where the other party has a loathsome disease and conceals it; where the marriage was procured by force, duress or fraud; or creed denounces marriage or forbids the cohabitation of man and wife; or to the wife not in fault when the husband becomes a confirmed drunkard for one year, wastes his estate and fails to provide for his wife and children; or when the husband habitually behaves toward his wife for six months so as to indicate a settled aversion toward her, or to destroy permanently her peace and happiness; or to the husband when the wife was at the time of marriage pregnant by another man and that without the husband's knowledge; when he being not in like fault, the wife is an habitual drunkard for one year, or

when the wife is either guilty of adultery or of such lewd behavior as indicates that she is a woman of bad character:—C. Ky. S., 2117. Divorce from bed and board which is really a judgment of separation, may be granted for any of the above named causes for absolute divorce or for such other causes as the court may deem to be sufficient:—C. Ky. S., 2121.

If the wife has a local residence in the state, an action for divorce must be brought in the county of her residence; otherwise the action must be brought in the county in which the husband resides. No one may bring the action until he or she has resided in the state for one year, and an action for divorce must be brought within five years from the date of the act complained of:—C. Ky. S., 2120. The law forbids the granting of a divorce upon confession. The county attorney is required to resist actions for divorce:—C. Ky. S., 2119. Cohabitation after a knowledge of adultery or lewdness, condones the fault and takes away the right of divorce for that cause:—C. Ky. S., 2120; and upon joint application of the parties a judgment of divorce may be annulled and the parties restored to the relation of man and wife:—C. Ky. S., 2120.

Effect of Divorce

The effect of an absolute divorce is to sever completely the marriage tie. Either party may marry again:—C. Ky. S., 2118. Each party takes his own property and they become with reference to each as if they had not married. Property received by the one from the other and not disposed of must be restored:—C. Ky. S., 2121. The effect of a divorce from bed and board is the same except that no right is given to either party to marry again and that no rights of courtesy, dower, or to share in the distribution of the surplus of the personal estate are thereby barred:—C. Ky. S., 2121.

When a wife obtaining a divorce has not sufficient estate for her support, the court has the power to order for her a maintenance out of the estate of her husband:—C. Ky. S., 2122. Minor children of parties divorced or between whom an action for divorce is pending, are before the court, and the judge will make orders for their care, custody and maintenance. Such orders may be changed from time to time but no order may divert the title to real estate:—C. Ky. S., 2123.

Court Decisions

The Court of Appeals has held:—

1. That where one seeks divorce because of abandonment, it must be without his fault:—64 Ky., 74.

2. A woman who is forced to leave her husband in order to save herself and children from moral pestilence is not guilty of abandonment:—86 Ky., 32.

3. A divorce will not be granted to the husband because the wife becomes insane and is confined in a hospital for five years:—94 Ky., 368. But a wife may have a divorce from a man convicted of a felony and confined in the penitentiary for five years:—102 Ky., 440. If a wife obtains a divorce from bed and board and lives apart from her husband for five years, he may have an absolute divorce:—172 Ky., 754.

4. It is a wife's duty to live with her husband and to go wherever he provides a home. Not to do so without good cause is desertion:—162 Ky., 741. The residence of the husband is the residence of the wife:—170 Ky., 379.

In regard to the right of a wife to maintenance and alimony the Court of Appeals has held:—

1. That while the Court of Appeals will not review the order of the chancellor granting a divorce, it will review orders as to maintenance and alimony. The court holds that alimony follows the granting of a divorce to the wife:—165 Ky., 499.

2. That when a husband treats his wife cruelly and forces her to leave him, she will be awarded alimony for maintenance even if there be no cause for divorce:—96 Ky., 382; 162 Ky., 505. A wife may be entitled to alimony even when the husband brings an action for divorce, if she is not at fault:—95 Ky., 383. The allowance of alimony is in the sound legal discretion of the court and may be allowed when the husband drives his wife away from home:—67 Ky., 682. The amount of alimony is to be determined by the circumstances of the husband:—164 Ky., 810. That when a wife goads her husband into leaving her, alimony will not be granted; but that he must support her if she returns home:—160 Ky., 342; and that an ante-nuptial agreement in contemplation of divorce is void:—170 Ky., 61.

In the case of *Kelly vs. Kelly* reported in 179 Ky., 86, it was held that a wife is entitled to an allowance pending an action for divorce and the amount will be determined by the size and productiveness of the husband's estate, by the wife's age, health, dependence and cost of maintenance in her station, by the cost of caring for their children and by the cost of the action:—179 Ky., 586. The court must consider the proper education of children in fixing alimony:—165 Ky., 115.

With reference to the care of minor children of the parties in cases of divorce, the law is:—that where parents are divorced the wishes of the children will be considered in awarding custody, but that such wishes are not binding. Very young children will generally be awarded to the mother:—161 Ky., 104. But even where the wife ob-

tains a divorce, children may be awarded to the father if for their best interests:—163 Ky., 133; 167 Ky., 567. The marriage of divorced parents restores to both parents the joint right to the custody of the child:—169 Ky., 633. In divorce cases children may be awarded, some to the one and some to the other parent:—171 Ky., 192. Pending an appeal the court will assign the children for their best interests:—170 Ky., 88.

The principles governing the disposition of children in cases of divorce were well stated in the case of *Shallcross vs. Shallcross*, reported in 135 Ky., 418. The court said: "In all cases respecting the custody of a child, the welfare of the child is the governing principle with the court. The right of the father to have the custody of his child is, in its general sense, admitted. But this is not on account of any absolute right of the father, but for the benefit of the infant; the law presuming it to be for its best interests to be under the care of its natural protector, both for maintenance and education.

"Neither the father nor the mother has any right that can be allowed seriously to militate against the welfare of the child. If the father is unfit to have the custody of his child, the court will promptly declare his rights forfeited. The same is true of the mother, and neither parent is entitled to the custody if it is manifestly against the child's welfare. In such cases the custody of the child will be awarded to a third person. If the child has reached the year of discretion, its wishes will be considered but will not always control":—135 Ky., 418.

Children of tender years, especially girls, will be awarded to the mother, if she is suitable:—168 Ky., 35. This same case holds that it is the duty of the father to support his children if awarded to the mother in divorce proceedings. In another case it was held that it was the duty of the father to support his children when living apart from the mother:—149 Ky., 638.

Children will not be awarded alternately month by month to the father and mother. Such arrangements would be detrimental to the interests of the children:—176 Ky., 225.

Discussion

The divorce laws of Kentucky are liberal. For this study the important fact is, that it is the settled policy of the law that in divorce cases where the interests and care of children are before it, the court is expected to use discretion and place the children so as to serve their best interests. In every county the judge of the county court should be required to take judicial notice of the fact that children have been awarded by the court to certain persons and keep watch over them as long as they remain in his jurisdiction.

VII. Illegitimacy

Illegitimate children make up an unusual class. Until some legal action is taken, an illegitimate child has but one legally recognized parent and that one is frequently unable to care properly for her child.

In Kentucky every child begotten and born out of wedlock is, as a general rule, a bastard. This rule does not hold, of course, with respect to a child born within ten months after the death of the mother's husband. A child born of a woman divorced from her husband because of the fact that she was pregnant at the time of marriage by another man without his knowledge is a bastard:—C. Ky. S., 166. A child born in wedlock may be bastardized; but it must be shown that the apparent father could not possibly have been the father:—173 Ky., 114.

Bastardy Proceedings

The child must have been born before bastardy proceedings can be begun. Any unmarried woman who has a child, may begin proceedings by accusing a man of being the father of her child before the clerk of the county court of the county in which the child was born, or in which she resides if the child was born outside of the state:—C. Ky. S., 167.

The proceedings must be begun within three years from the birth of the child. If the child appears to be under three years the clerk of the county court will issue his warrant for the arrest of the man so accused, and upon arrest, the county judge will require a bond not exceeding \$2,500 to guarantee the performance of orders of the court after judgment. The accused may be committed to jail if he fails to make the required bond:—C. Ky. S., 168, 169.

All bastardy cases are under the jurisdiction of the county court. Presence of the man is not necessary if he has been legally arrested under the charge. Trial is by jury. If the man accused is found to be the father at the trial the court is empowered by law to make such orders as are necessary or wise:—C. Ky. S., 171. That the child was born in another state is no defense. All that is necessary is that the mother must have been a resident of the state either at the time the child was born or begotten. At the trial, evidence may be adduced by either the man or the woman:—C. Ky. S., 172.

If the accused is found to be the father of the child, the judge will make order for payments of amounts by him for the keeping, maintenance and education of the child. The man is required to give bond for the due observance of all such orders. If he fails to make such bond as is required by the court, the man will be committed to jail. He may, however, be discharged from prison in the manner pre-

scribed for the discharge of insolvent debtors. The bond may be enforced by attachment. The death of the child abates all duty on the part of the man to make further payments:—C. Ky. S., 174.

Court Decisions

The Court of Appeals has held:

1. That when a woman is resident of the state, a bastardly proceeding must be had in the county where the child was born:—169 Ky., 487. A proceeding in bastardly is a civil, not a criminal, action:—146 Ky., 197.

2. That bastard children become legitimate when their reputed father marries their mother:—146 Ky., 402. This is especially true when he recognizes the children as his own both before and after marriage:—153 Ky., 113.

3. A father's obligation to support his illegitimate child is greater than his liability to his collateral kin:—113 Ky., 849.

Discussion

The recommendations made by the Missouri Children's Code Commission in 1918 (See *Report Missouri C. C. Commission*, 1918, p. 24) come so near to covering this field that they are here submitted. Seeking to improve the law for the care of illegitimate children in Missouri, the Commission urged that legislation be enacted to the end:

1. "That the child born out of wedlock be given the right to have its paternity established through court proceedings, recognizing the principle that every child should have a father and mother in law as in fact."

2. "That, in order to avoid blackmail, such proceedings shall not be begun except with special permission of the court; proceedings shall be brought during the lifetime of the person claimed to be the parent; at the discretion of the judge, the proceedings shall be privately conducted and the court papers shall be kept secret."

3. "That the child born out of wedlock shall be given the same right of inheritance from its natural father as from its mother. This would work no injustice to the legitimate child, for the father would still have the right to disinherit any of his children by will."

4. "That where the actual paternity of the child cannot be established, the court is permitted to place the liability of support upon the several men who are shown to have had intercourse with the mother during the period when the child must have been conceived. The child is given no inheritance rights from the possible fathers, however."

5. "That the court shall determine the proportion of support to be paid by the father and mother with reference to the circumstances of each."

6. "That all questions concerning the paternity and support of the child born out of wedlock shall be brought before the juvenile court."

In addition to these the following suggestions are made:

(a) That the law be changed so as to permit the bringing of a bastardy action before birth, when the woman declares that she is pregnant by a certain man.

(b) That the declared father be required to pay to the woman whatever is necessary to care for her at the time of confinement.

Attention is called to the fact that the recommendation in 5 should read "father" instead of "father and mother." This will be in conformity with the law of Kentucky. Attention is also called to the fact that bastardy cases are now within jurisdiction of the county court, which is a juvenile court.

VIII. Civil Law

In order that there may be a somewhat clearer understanding of the legal status of a child in Kentucky it is necessary to state further certain legal principles, statutes and decisions.

Actions By or For Infants

Actions for an infant must be brought by his guardian, curator, committee regularly appointed, or next friend.—C. Ky. C., 35. There is one exception to this rule—an infant married woman may sue for divorce or alimony in her own name.—C. Ky. C., 1347. An infant defends by one of the same legal representatives. No judgment can be awarded against an infant unless he has a guardian, committee, or guardian ad litem.—C. Ky. C., 36. The court will appoint a guardian ad litem in proper cases. The judge may change the guardian ad litem in his discretion.—C. Ky. C., 38. No judgment will be given against an infant until the court has received the report of his guardian, committee or guardian ad litem.—C. Ky. C., 36, 517. In all cases, except judgment for torts or necessities, an infant may within twelve months move to set aside any judgment rendered against him.—C. Ky. C., 391.

Service of summons must be made upon the father, guardian or mother if the child is under 14 years of age. If the child is over 14 personal service upon him must be made.—C. Ky. C., 52.

Witnesses

No witness may testify in civil cases as to the words or acts of a child under 14 years of age.—C. Ky. C., 606.

Contracts of Infants

The general rule is that a child being unable to enter into a contract is not bound by any contract he may attempt to make. The contracts of an infant are voidable at his election.—160 Ky., 432. After arriving at the age of 21 he may disaffirm his contract (163 Ky., 192), but he must act within a reasonable term (170 Ky., 423) and the consideration must be restored unless it has been wasted or spent.—157 Ky., 603.

The law as to the contracts of infants is that except for *necessaries* an infant may avoid any executory contract made by him during infancy. This includes contracts for personal services. An infant can, except for necessities, be bound only by his guardian or next friend, authorized by the court to act for and bind him.—169 Ky., 633. An infant does have the power to bind himself for necessities.—151 Ky., 203. An infant may ratify his contract after arriving at the age of 21.—143 Ky., 91. Accepting part of the consideration after arriving at the age of 21 is a ratification.—148 Ky., 479. Indorsing a note which was a part of the consideration is a ratification.—149 Ky., 15. A compromise and settlement with an infant is invalid (155 Ky., 795) and an infant is not bound when he signed a release for personal injury, the whole consideration having been paid to his father.—153 Ky., 223.

The chancellor has authority to order the sale of the lands of an infant for maintenance and support. But when there is evidence that there was other property sufficient for maintenance and support and no evidence of the inability of the parents, there is no authority to order the sale of the infant's real estate.—169 Ky., 678. The sale of an infant's property will be set aside when the price was grossly inadequate.—144 Ky., 256; 170 Ky., 461.

Torts

The general rule is that a parent is not liable for the tort of his child. The infant is liable for his own acts.

One is not bound to keep his premises safe from trespassing children any more than from adults; but, if the dangerous thing is such as to attract children, and a child is injured, he will be liable to both the child and his parents.—173 Ky., 843. An eighteen-months-old child on a railroad track is a trespasser.—179 Ky., 532.

IX. Criminal Law

Other offenses against children and not heretofore given are:

1. Crimes involving sex.

(a) The carnal knowledge of a girl under 12 years of age with or without her consent is a felony, punishable by death or life imprison-

ment.—C. Ky. S., 1151. An attempt to commit rape upon a child under 12 years of age is a felony, but not capital.—C. Ky. S., 1153. Carnal knowledge of a girl over 12 but under 16 years of age is a felony, but not capital.—C. Ky. S., 1155. Carnal knowledge of any female over 12 years of age without her consent is a felony and may be punished with death.—C. Ky. S., 1154.

In Kentucky the presumption of law is that a boy under 14 years of age is incapable of committing rape, but the presumption may be overcome.—84 Ky., 457.

(b) It is a felony to induce, procure or persuade any girl under 21 years of age to enter any house of ill-fame for purposes of prostitution.—C. Ky. S., 1215. It is likewise a felony to take or direct any girl under 16 years of age to any house for the purpose of prostitution.—C. Ky. S., 1216. These two laws were later expanded so as to make it a felony for any one to pander in any way regardless of the age of the female.—C. Ky. S., 1215b-1.

2. It is a misdemeanor:

(a) To sell to any child under 15 years of age any poisonous drug or medicine without the consent of his parent or guardian or prescription of a physician.—C. Ky. S., 1276.

(b) To sell or give cigarettes or cigarette material to any child under 18 years of age. It is a misdemeanor for any child under 18 years of age to smoke a cigarette.—C. Ky. 1277-a. This makes the use of cigarettes by any child under 18 an act of delinquency, and the child could be held to be a delinquent. To sell or give cigarettes to such child would therefore be contributing to his delinquency.

(c) To sell, offer for sale, publish, give away, or distribute or circulate any obscene printed matter or pictures.—C. Ky. S., 1351; 1352.

Discussion

Such changes in the criminal law as have been thought wise have already been suggested in this report.

PART TWO

I. DEPARTMENT OF HEALTH

It is now known that public health, just as public education, may be had for a price. It is the function of the state to enact and enforce such rules and regulations and spread such information as will insure to citizens reasonably healthful conditions, will prevent the development and spread of disease, and will provide for the education of all the people in matters relating to the public health. Caring for public health is one of the purposes for which governments are organized.

It follows that it is the duty of the state to create or to provide

for the creation of such agencies as will perform these duties. The care of public health cannot be safely left to haphazard or disorganized activities. As is stated in the preamble to the public health laws enacted by the General Assembly of Kentucky, 1918, "It is in the interest of both efficiency and economy to impose the duties of caring for the public health upon one central body"—a state department of public health.

A state department of public health, insofar as it relates to children, should see to it that such laws are enacted and such agencies are put into active and continuing operation as will insure:

1. That the greatest number possible of children born or even begotten are born under proper conditions, live in clean and healthful quarters and have a sufficiency of play and recreation to insure proper development.

2. That whatever endangers the health of a child is immediately detected and met in quick and effective combat.

3. That such children as need attention get it at once.

Kentucky has its problems, as has every other state, but is so situated that we have a right to expect her men and women to be strong; her boys and girls rosy. When this is not the case there is a cause or perhaps a multiplicity of causes to be removed. It is the business of a state department of public health to seek out and remove these causes. It should at all times work in active and vital co-operation with any and all national agencies, to the end that destructive forces may be removed, and that human life may develop without obstruction. State departments should exist always for the purpose of getting the job well done and with the least possible friction or delay. Failure in a state department of public health should not be permitted. It is too costly, in failure of production, in lowered standards of living, in untimely deaths. If there is a state where this is predetermined, men should avoid it as poisoned land. It is not predetermined in Kentucky.

State Board of Health

Kentucky has imposed the duty of caring for the public health primarily upon the State Board of Health. Eight members compose this board. Seven of these are appointed by the Governor, with the consent of the senate, from lists submitted by the different schools of medicine.—C. Ky. S., 2047.

It appears to one reading the law that the four different schools of medicine have the duty of aiding the Governor in selecting proper members of the board, each school being responsible for its representatives; that the organization of the State Board of Health is such as furnishes to it every opportunity of working out a continuous public health policy, insofar as the law and funds provided will permit; and

that under ordinary circumstances the members of the State Board of Health will be selected because of their interest in the public health and their ability to aid in promoting it.

The eighth member of the board is elected by the seven others and is the secretary and executive officer.—C. Ky. S., 2052.

The duties and powers of the State Board of Health as set out in section 2049 are in brief as follows: To supervise the health of the people; to make sanitary investigations and to inquire into the causes of disease, especially epidemics and endemics, and to make sanitary inspections and surveys, wherever deemed advisable; to inquire into the effects of locality, employment, living conditions, food, water supply and habits of the people upon the public health; to take all needful steps to prevent the introduction of disease into the state and its spread therein; to provide for quarantine and isolation when necessary; and to make and enforce rules for the regulation of public and private carriers, in order to safeguard the public health.—C. Ky. S., 2049.

The law authorizes the State Board of Health to co-operate with the agencies of the national government and of other states in sanitary investigations and other matters pertaining to public health, and when any community requests it the State Board of Health will advise as to the proper methods of heating and ventilating public buildings and schoolhouses.—C. Ky. S., 2050. It is not enough for the State Board of Health to wait until advice is asked in occasional cases. The State Board of Health or its qualified agent should pass upon every public building and schoolhouse, not only with reference to heating and ventilation, but also with reference to sanitation, water supply, and especially lighting in the case of schoolhouses.

Secretary of the State Board of Health

The secretary of the State Board of Health is elected by the seven appointed members for a term of four years.—C. Ky. S., 2052. The law provides that his compensation shall not exceed \$1,200 a year.—C. Ky. S., 2053. Other members of the board receive no pay except actual expenses.—C. Ky. S., 2151.

After election the secretary becomes a full voting member. The limit of compensation fixed by law is entirely too low. No qualified man, unless he has an independent income, could accept the position. No man with a family dependent upon his earnings for a living could accept it.

The secretary, as executive officer of the State Board of Health, has the direct duty of seeing that the board functions properly. He is the directing head of the different activities of the board, must keep in touch with all local boards of health, supervise all state and local educational health work and provide for the distribution of vaccine

free of cost to the poor.—C. Ky. S., 2052. He is the executive head and director of the following bureaus, which have been created and established by law and are now in active operation.—C. Ky. S., 2054.

1. A special bureau for the study, prevention and treatment of tuberculosis.

2. A bureau of vital statistics. Kentucky is now in the federal registration area of vital statistics.

3. A bureau of pure food and drugs.

4. A bureau of sanitation organized for the purpose of educating the people in preventing the spread of disease, and to study housing conditions and water supplies.

5. A bureau of epidemiology and bacteriology.

6. A bureau of hotel inspection for the inspection of hotels and restaurants and to enforce rules for their regulation.—C. Ky. S., 2054.

7. To these six bureaus should be added a seventh, the new school for health officers and health nurses, which has recently been established jointly by the State Board of Health and the University of Louisville in the city of Louisville. This school will be under the immediate direction of the secretary of the State Board of Health. The heads of the different bureaus of the State Board of Health and members of the faculty of the University of Louisville and others constitute the faculty of the school.

The establishment of this school is a sort of landmark in public health work in Kentucky. The need for trained public health officers and public health nurses has come to be a crying one. The State Board of Health saw and heard and therefore established this school. All the courses are to be offered with the sole view of training efficient public health officers and public health nurses. Degrees will be given to both men and women who have the proper qualifications and who take satisfactorily the prescribed courses.

County Boards of Health

The organization of the agencies for the care of public health in Kentucky is unique in one respect. The State Board of Health appoints a majority of the members of each county board of health. County boards have five members—the three members appointed by the state board, all licensed physicians, appointed for a term of two years; the judge of the county court, and one person selected by the fiscal court of the county. They serve without compensation.

The duties of county boards of health are: To enforce sanitary regulations in order to prevent the spread of certain diseases; to establish and maintain eruptive hospitals and to declare and enforce quarantine and isolation; to require physicians and heads of families

to report communicable diseases to the county board of health within 24 hours.—C. Ky. S., 2055.

Reports of such diseases are required by rule of the State Board of Health to be made by the county or city health officer to the state board every week and in the case of pestilential diseases, reports must be made immediately by telephone or telegraph. The manager of a mining camp reports that the county board of health gave him no assistance in stamping out smallpox. In another county the work of the county physician in a family with smallpox consisted in his riding up before the door and calling out, "They say you have smallpox here." When he was informed that it was true he said, "Well, burn lots of sulphur when you get through," and rode off. In still another county the county physician told of 200 cases of smallpox in and around the county seat. No evidence of any enforcement of regulations as to vaccination, quarantine, or isolation, was found.

County Health Officers

The county board of health appoints a practicing physician to act as county health officer and secretary. He is not required to be approved by the State Board of Health, but inasmuch as the state board selects the majority of the members of the board which chooses him, it does indirectly exercise control. His compensation is not fixed by the board which selects him and under whose direction he must work, if he works at all, but by the fiscal court of the county.—C. Ky. S., 2055.

The General Assembly of Kentucky evidently gave to the State Board of Health the authority to select the majority of the members of each county board—three physicians—because it believed that education in medicine and experience in the treatment of disease are not only valuable, but necessary in considering public health questions. Then it went far, very far, in undoing its work by leaving the compensation of the county health officer to be fixed by the fiscal board of the county. The hand that holds the purse holds the throttle and determines the efficiency of the engine.

The county board of health, acting with and under the supervision of the State Board of Health, has ample authority to control the spread of disease and to give attention to matters of sanitation where there is a menace to the public health, and to have the cause removed.—C. Ky. S., 2057.

City Boards of Health

In making provisions for boards of health for cities, the General Assembly broke entirely away from the idea of giving to the State Board of Health the right to appoint a majority of the board of health in any city as it has in the case of county boards, and went over to

complete local administration. It is the duty of the council of every city of 10,000 inhabitants or more to appoint a city board of health of six members. The mayor is *ex officio* a member. Three members only of each city board of health are required to be physicians.—C. Ky. S., 2054a-21. The city board of health elects the city health officer, but the compensation of the city health officer is fixed by the city or town council.—C. Ky. S., 2054a-1.

County and District Health Departments

Kentucky has already realized that the best results in public health work were not to be had under the old organization. The General Assembly of 1918 took a long step forward by making provisions for the establishment of county and district health departments.

The fiscal court or board of commissioners, is empowered by the law to establish a county health department or join with one or more adjoining counties in establishing a district health department and to appropriate public funds and to levy taxes for the support of the same. A petition of voters if made within 30 days will, however, force the matter to be submitted to a vote.—C. Ky. S., 2054a-2, 3.

When there is a desire for a county health department and the fiscal court or board of commissioners fails or refuses to establish the same, a petition signed by 10 per cent. of the legal voters of the last regular election will force the fiscal court to submit the question of it to a direct vote of the people.—C. Ky. S., 2054a-5. When there is a desire on the part of citizens of two or more contiguous counties to have a district health department established, 20 legal voters in each county may file a petition and force a vote on the question. If all the counties vote "yes" the district health department will be established, but if the election is lost in one of the counties, the district is lost.—C. Ky. S., 2054a-6.

Except in cities of the first and second class, and perhaps even in these, all successful public health work in Kentucky will have to be done by some such organization as county or district health departments. The larger and more prosperous counties, especially those having cities of any considerable size, should and ultimately will, establish county health departments. Counties which are poor and more sparsely settled will be forced to unite with adjoining counties in supporting district health departments.

County and district health departments are to be established for the prevention and control of epidemics and communicable diseases.—C. Ky. S., 2054a-3. As in the case of the declared purposes of both the State Board of Health and the old county boards of health, the purpose declared by law appears to be narrow. Still, the policy of the courts of Kentucky is to give a liberal interpretation to laws enacted

for the protection of public health, and such a policy probably insures ample scope and power to all health departments.

As soon as the secretary of the State Board of Health is informed that the proper legal steps have been taken in any county or counties for the establishment of a county or district health department, he notifies the secretary or secretaries of the county board or boards of health to call a meeting for the purpose of organizing a county or district health department.—C. Ky. S., 2054a-10. The old county board of health becomes automatically the governing board of the county health department.

The law requires that the county health department officer be graduated in medicine and surgery from a recognized school of medicine and that he shall have had at least six months' training in medicine and public health at some school recognized by the State Board of Health. He is required to devote his full time to the duties of his office and is therefore withheld from the practice of medicine for compensation. He is elected for a term of four years and his salary is fixed by the governing board at from two to three thousand dollars annually. He may be discharged at any time for cause, but he has the right of appeal to the State Board of Health.—C. Ky. S., 2054a-10.

Duties of the County Health Department Officer

The distinction between the old county health officer and the new county health department officer should be noted. The duties of the county health department officer are:

1. To enforce all health laws and the rules and regulations promulgated by the State Board of Health or his own board for the protection of public health.

2. To make or cause to be made examinations of the milk and water of all dairies and sources of drinking water suspected to be dangerous, when ordered to do so by his own board or the State Board of Health.

3. To make or have made proper examinations for the detection of diseases; to keep for distribution at cost to the citizens of his county, vaccine for smallpox, and typhoid and diphtheria antitoxin, and to administer these.

4. To visit the schools of the county and to make such examinations of the premises, surroundings and inmates as the State Board or his own board may deem necessary to protect the public from communicable diseases. In case children are found with defective eyes or hearing, or with diseased tonsils, bad teeth or adenoids, confidential notice must be given to the parents.—C. Ky. S., 2054a-13.

The county health department is required to examine the drinking water supply used by school children. If found to be dangerous to

their health, the county or city board of education may be ordered to provide a pure water supply. Action may be instituted to compel boards of education to provide safe and sanitary school buildings.—C. Ky. S., 2054-a14.

That part of the law which requires the county health department officer to examine the water supply provided for school children is good so far as it goes, but in order to insure the best results in every county the law should be amended so as to require the county health department officer to examine or cause to be examined once a year not only the drinking water supply, but the surroundings, premises and inmates of every school as well. Children are entitled to healthful school premises and surroundings and at least one medical examination a year.

District Health Departments

Where adjoining counties take the proper legal steps a district health department will be established as in the case of a county.—C. Ky. S., 2054a-9. It is interesting that the State Board of Health is not required to approve the district about to be formed. The members of the old boards of health of the counties joining to establish the district health department are the members of the board of control of the district health department and are charged with the same duties as members of a county health department. A majority of the members from the different counties elect the district health officer. He hold for a term of four years, and his duties, authority and compensation are the same in his district as those of a county health department officer in his county.—C. Ky. S., 2054-a15.

At least one assistant with the qualifications required for an assistant in a county health department must be employed for each county. More than one assistant for each county may be employed, but the limit of money that may be levied and appropriated for such public health work in any county is a tax of one-half a mill on each dollar of assessed valuation.—C. Ky. S., 2054a-16. The expenses of a district health department are borne by the different counties joined in proportion to their assessed valuation of property.—C. Ky. S., 2054a-4.

County and district departments are needed in Kentucky, and as has already been said will undoubtedly be established more and more. The law providing for this is good in a very large measure, but there arises some question to which consideration should be given to the end that the plan may be put into general operation with the least possible friction.

1. The State Board of Health appoints the members of county boards of health, who in turn become members of county or district health departments. Where several counties unite to form a district health department the board will have so many members, five from

each county, that it will often be impossible to get a majority together. There must be a majority before any business can be transacted.

2. There is nothing in the law which requires the State Board of Health to approve any district health department before it can be established. This is a matter which should receive attention.

3. Neither county nor district health officers nor their assistants are required to be approved, licensed or certificated by the State Board of Health. Every health department officer or assistant should be required to hold a certificate or license from the State Board of Health and to be approved for his particular work by it.

4. The educational side of the activities of county or district health departments should be one of their chief functions. All the people should be educated to the end that not only shall medical inspection of school children be everywhere well developed, but also that:

(a) Provision be made for the examination by the health department officer or his assistants of all children applying for work permits to determine physical fitness for any particular employment, and thereafter from time to time to insure that such working children keep in proper physical condition, and that

(b) Provision be made for the adequate instruction by the health department of all women about to become mothers, in prenatal care and in the care of babies, and also in the care of women at confinement, when in need of care.

5. But the most serious difficulty will be found in the matter of financing the different departments of health, county or district. All the more populous and prosperous counties should have county health departments. Within a reasonably short time 45 counties ought to have health departments. The other counties should be grouped into conveniently arranged health districts, with not more than three counties to a district. Assuming that 45 counties have county health departments, 75 counties are left to be formed into districts. There would be approximately 30 districts. This would call, all told, for 75 public health officers. The total cost of these should be not more than \$200,000, if the plan were in full operation.

These health department officers should be the agents of the State Board of Health—of the state engaged in the business of taking care of the public health. They should always be under the direct supervision of the State Board of Health and should be paid by the state. In other words, the state should set aside \$200,000, or such part of it as may be used, for assisting in compensating county and district health department officers.

All expenses for offices, laboratories, assistants and running needs should be borne by the county or counties. This will be their part and the matter of establishing departments should be left with the

people of the different counties. It would be theirs either to accept aid from the state by raising and appropriating their part of the money, or to sit by and see their part of the public funds go for the benefit of others. Where there is a county health department no question could arise. Where a district health department is established, the law now requires that there be at least one assistant for each county. Let each county bear the expense of its assistant or assistants and all office and other expenses for work in that county. This would leave only the expenses of the health officer and the expenses of the central office and laboratory to be met. All the people pay the taxes and each county is entitled to a good health department. Any county which refuses to establish such a department will simply be making a gift of its public funds to the people of other counties.

By this plan two ends would be assured:

1. The state through its State Board of Health would have the direct supervision of all public health work in each county. The field work of all the different bureaus of the State Board of Health should be done by and through the county and district health department officers.

2. Local interest in public health work would be aroused. Most people want all that is coming to them. In some measure the state may well adopt the divine policy: "The Lord helps those who help themselves."

Court Decisions

1. Cities have the power to make such reasonable regulations for the handling or sale of foodstuffs as will maintain or improve sanitary conditions.—175 Ky., 185. City boards of health are invested with the same power in the city as county boards of health in the county.—156 Ky., 351.

2. All acts of the general assembly conferring power upon boards of health city and county, must be liberally interpreted.—143 Ky., 679.

3. County boards of health must actually order treatment of patients and disinfection of premises before the county health officer can collect from the county for services rendered.—150 Ky., 1.

Discussion

What has already been said indicates what should be said under this head.

1. The law should permit adequate compensation to the secretary of the State Board of Health, the amount to be determined by the state board.

2. Sufficient funds for state aid should be provided by the law so that there may be a health department, county or district, for every

county. County and city health work, except in Louisville, should all be brought under the county health department. As many assistants as are needed should of course be provided for city work.

3. Health department officers and assistants should be licensed, certificated and approved by the State Board of Health.

4. Provision should be made for reducing the number of members of district health departments.

5. The State Board of Health should approve all public buildings and schoolhouses.

6. Provisions should be made for instructing, examining and licensing midwives by the State Board of Health.

7. The duties of the county or district health department should be declared by law to be: to take all steps necessary—

(a) To insure that the milk and water supply of all dairies is pure.

(b) To examine water supplies and to condemn all sources of drinking water found to be dangerous.

(c) To examine every public schoolhouse, its premises, water supply and surroundings at least once a year and to order such changes as are necessary.

(d) To examine every school child at least once a year.

(e) To carry on campaigns for the education of the people in matters affecting the public health.

(f) To examine every child applying for a work permit and all children at work under a permit at least once a year.

(g) To provide for the instruction of women about to become mothers in the care of themselves, and also for the instructing of women in the care of babies.

(h) To see that the eyes of every new-born child are treated with the specific adopted by the State Board of Health.

II. DEPARTMENT OF EDUCATION

There is as yet, no accepted standard for public education. Just how many years of public schooling are to be given to each child, as well as courses of study, is still at the stage of academic discussion, but practically all are agreed that it is the duty of the state to provide adequately for the public education of every child. It is now generally agreed that the minimum standards should be:

1. An eighth grade education for every normal child.

2. Provision for the teaching of every abnormal child to the end that he may be brought as nearly as possible to the normal.

3. Provision for convenient and accessible high schools.

4. Provision for convenient continuation schools in which children who discontinue the regular course in order to work are taught for a definite number of hours each week until they are 18 years of age.

In other words, the state should provide for the schooling of every child between the ages of seven and 18 and see to it that each child is regularly at the place provided for him. Public education is a state and not a county matter.

These being accepted, it follows:

1. That the state must make full provision for the support of a school for every child.

2. That the state must determine the kind of school and must see that every child attends. This means that the central educational directing head or body must determine both the courses of study and the kind of teachers. In order that public education may advance in an orderly way, this central head or body should have a definite educational policy running through the years and be as free as possible from sudden or spasmodic changes. Education is a process and not a revelation.

In Kentucky the General Assembly is required to provide for and maintain an efficient system of common schools throughout the state.—Const. 183. Such provisions must be general. The General Assembly is not permitted to enact any special or local act for the maintenance of a common school.—Const. 59, No. 25.

The state makes direct appropriation of public funds for the support of the public school. In the year of 1916-1917 the amount so appropriated by the state to the different counties was \$3,867,972.48. The money so appropriated is distributed to the counties and cities and then in each county to the different districts in proportion to the number of children between the ages of seven and 18 years.—Const., 184, 185, 186. The constitution expressly forbids any discrimination on account of race, between schools for white and colored children.—Const., 187. It is unlawful to operate any school for both white and colored pupils, or to teach in such a school, or for any white person to attend a school where negroes are received.—C. Ky. S., 4526a.

County fiscal courts are required to levy a tax for the support of the public schools according to the estimate of the county board of education up to 20 cents on each \$100 and one dollar on each poll. Unfortunately the property in cities and towns which run a first class system of public schools approved by the state board of education are exempt from this levy.—C. Ky. S., 4426a-9.

In addition to the public school fund secured from the state or county funds local districts and cities and towns may vote local taxes for the support of their public schools.—C. Ky. S., 4458. Taxes on railroads and bridges in any school district go directly to the public school of the district.—C. Ky. S., 4101.

A study of the state reveals the fact that there is not provided in most cases sufficient funds for the public schools. A solution of part of this problem would be to require each county board of education to

see that an efficient public school is provided for every child in the county and to require fiscal courts to make the full levy of 20 cents, in fact the maximum levy should be raised by the law to not less than 30 cents.

Taxes derived from railroads and bridges should not go to the particular school district in which such railroad or bridge is situated, but should go into the general county school fund and be distributed as the funds received from the state.

State Superintendent of Public Instruction

At the head of the educational system stands the state superintendent of public instruction. He is elected by popular vote for a term of four years. Being a constitutional officer he may not succeed himself.—C. Ky. S., 4385. His duties are:

1. To visit the various parts of the state in the interests of the common schools.—C. Ky. S., 4385a.

2. To sit with the two other members appointed by him as a state board of examiners of teachers.—C. Ky. S., 4386.

3. To collect information and report biennially on the condition of the public schools.—C. Ky. S., 4389.

4. To keep accounts and to make settlements with the state auditor.—C. Ky. S., 4388. To prepare and to furnish all blanks and forms for use in the public school system.—C. Ky. S., 4392. To correct, arrange, index and publish biennially the public school laws, together with all rules, regulations and decisions of the State Board of Education, plans for public schoolhouses and opinions of the attorney general on school laws.—C. Ky. S., 4393, 4795.

5. To advise school officers and teachers and to settle controversies when any such arise (C. Ky. S., 4396), and to report and prosecute county superintendents and trustees.—C. Ky. S., 4394.

6. To act as the state inspector of public schools in cities, towns and counties, and to appoint assistants to aid him in making such inspections.—C. Ky. S., 4535-f.

State Board of Education

As an aid to the state department of public instruction in directing the public school system, the General Assembly of Kentucky has provided for a State Board of Education. This board is made up of the secretary of state, the attorney general and the state superintendent. The latter is the chairman.—C. Ky. S., 4377, 4379.

The duties of the State Board of Education are:

1. To prepare rules and regulations to be adopted and enforced by county school officers and teachers for the conduct of the public schools.—C. Ky. S., 4382.

2. To prepare and publish a graded course of study for the common schools. The course so prepared must be followed by all teachers in the common schools.—C. Ky. S., 4382. The law prescribes that the course of study thus prepared and published must embrace spelling, reading, writing, arithmetic, English grammar, English composition, geography, physiology and hygiene, civil government, history of the United States and Kentucky, and the nature and effects of alcoholic drinks and narcotics.—C. Ky. S., 4383. The law also requires that agriculture be taught in all common schools except in cities of the first, second, third or fourth class.—C. Ky. S., 4369b-1.

The state superintendent of public instruction and the State Board of Education are necessarily subject to change every four years. This being true, there could hardly be any high hopes of building up a well-organized, continuous, progressive educational policy. The state superintendent of public instruction should be selected by the State Board of Education hereinafter recommended, because of his ability and peculiar fitness for the position. The State Board of Education should be a continuing body, whose members should hold, each, for a term of six years and whose terms should expire at different times, so that it will always be an experienced body. In addition to the duties imposed by the present law upon the State Board of Education, provision should be made by law for granting certificates to superintendents of the public schools of every city and town. Every teacher, supervisor, principal or superintendent in every public school should be required to hold a certificate granted by the State Board of Education. Teachers in private schools receiving children of compulsory school age should also be required to hold the certificate of the state board.

County Superintendent of Schools

The law places the county superintendent at the head of the county educational system. It requires:

1. That he or she (women are eligible to the office) be of good moral character, and have ability to manage the schools efficiently.—C. Ky. S., 4399.

2. He must be 24 years of age, a citizen of the state for two years and of the county for one year (C. Ky. S., 4399); must have a good English education, be competent to examine teachers and must either hold an unexpired diploma or certificate granted by the state board of examiners, or the diploma or advanced certificate of the University of Kentucky, or an advanced certificate granted by one of the state normal schools.—C. Ky. S., 4399a-1.

3. In counties having a city of the first or second class, he must live outside such city. He must hold no other county public office or

be a trustee of any school district or a teacher in any school.—C. Ky. S., 4399a-1, a-2. He is elected by popular vote for a term of four years. Women may vote at his election and he may be his own successor.—155 Ky., 305.

The law requires a county superintendent to devote his entire time and attention to the duties of his office. His compensation is fixed by the fiscal court at from \$600 to \$2,500 a year, and can not be increased or diminished during his term of office. His salary is paid out of the county levy.—C. Ky. S., 4399a-5. His duties are:

1. To report annually to the state superintendent of public instruction the census of all children between the ages of six and 18 years (C. Ky. S., 4404); to examine school premises, houses, furniture and school apparatus, with power to condemn by notice to the county board of education; to visit and inspect at least once a year every sub-district school, including physical condition of premises, teacher, and pupils; and to advise with trustees especially in securing attendance, and with teachers, and to report such as are found to be guilty of gross neglect.—C. Ky. S., 4404a.

2. It is his duty to examine all record books and reports, to see that text books are provided by the county court for indigent children, to issue monthly vouchers to teachers or the school board of any city or town, to distribute money according to law, to make annual settlement with the county judge and to make a report of such settlement and a full report of his year's work to the state superintendent of public instruction, and to keep a complete record of all work done or business transacted by him (C. Ky. S., 4404a, 4405, 4407, 4409, 4410), and he is required to give proper notice of the boundaries of school districts to railroad and bridge companies and to collect such railroad or bridge taxes as may be due any districts in his county.—C. Ky. S., 4420a-1, a-2. He appoints two members, who sit with him as a county board to examine teachers.—C. Ky. S., 4422.

It must be evident to any one who reads this enumeration of duties that the office of county superintendent of public schools is no mean job. He is the very center of the county public school system. He should be selected by the county board of education. This board should have the authority to get the proper and best person for the position wherever he is to be found and to fix his compensation.

County School Organization

Each county in Kentucky constitutes one school district, except that the territory of any city or town which maintains a separate system of public schools is not included (C. Ky. S., 4426a-1), and every county district is divided into four, six or eight educational divisions. These educational divisions are in turn cut up into sub-districts. The rule is that there should be 50 white children and in

no case fewer than 25 white children in every sub-district. Sub-districts with fewer than 25 white children are barred from sharing in the state school fund and no sub-district may receive the apportionment for more than 100 if it employs but one teacher.—C. Ky. S., 4426a-2.

The county board is empowered to lay off new sub-districts and to change the boundaries of the sub-districts. Sub-districts may also be consolidated by the county board into a consolidated school (C. Ky. S., 4426a-5), or the county board also has the right to lay off a number of sub-districts into a boundary for a consolidated school and to submit the matter of consolidation together with a tax sufficient to provide transportation of the pupils to a vote of the people.—C. Ky. S., 4426a-9. The county board of education has the right to provide for transportation wherever needed.—C. Ky. S., 4426-a-11.

School Trustees

A school trustee is elected by the citizens of each sub-district and consolidated district every two years.—C. Ky. S., 4434a-1, 4426a-6. Any one who is 21 years of age, has resided in the district for 60 days and is able to read and write, may be a school trustee.—C. Ky. S., 4434a-1. His duties are: To meet with the other trustees in his educational division to form the division board for the purpose of electing a chairman, who *ex officio* becomes a member of the county board of education (C. Ky. S., 4434a-2); to assume immediate supervision of the public school in his sub-district, to report the needs of his school to his division board to be transmitted to the county board; to take the biennial census of all children of school age, including a complete census of illiterate children, of children who have completed the common school course and of children attending school outside his sub-district (C. Ky. S., 4434a-3); to nominate and recommend each year to his division board a teacher for his school. The teacher recommended by him will be elected unless it is shown that he is not qualified.—C. Ky. S., 4434a-4.

Educational Division Board

This board is simply the trustees of the different sub-districts and consolidated schools of that division acting together. Its functions are: To elect a chairman, who thereby becomes a member of the county board of education (C. Ky. S., 4434a-2, a-5); to employ and enter into written contracts with such teachers as are recommended by the different trustees in accordance with the law and the rules and regulations prescribed by the state board (C. Ky. S., 4434a-4); to remove with the approval of the county superintendent any incompetent teacher or one who neglects his duty or is guilty of immoral conduct (C. Ky. S., 4434a-4); to transmit to the county board of edu-

cation the reports of the different trustees and to make recommendations.—C. Ky. S., 4434a-3.

County Boards of Education

The chairmen of the different county educational divisions, meeting with the county superintendent as chairman, constitute the county board of education.—C. Ky. S., 4434a-5. This is thoroughly representative so far as sub-districts and consolidated schools go; but there is no representation on the county board of education for public schools in cities, independent or common graded school districts. The duties and powers of the county board of education are: to purchase, rent or lease schoolhouses, to buy school supplies, to take and hold title to school property with the right to dispose of the same, and to condemn land for school purposes when in the discretion of the board it is necessary (C. Ky. S., 4434a-6); to provide in its discretion for the employment of supervisors for the rural schools of the county, who are to act as substitute teachers and truancy officers (C. Ky. S., 4434a-12); to provide for the distribution of the state school apportionment according to law.—C. Ky. S., 4434a-13. The salary of each teacher is determined by the grade of his certificate and the number of children in actual attendance at his school (C. Ky. S., 4434a-14); to prepare and lay before the fiscal court of the county an estimate of the amount of money necessary to run the public schools of the county.—C. Ky. S., 4457.

Neither cities, towns, independent, nor graded common school districts have any representative on the county board of education. It is true that none of the property in these cities, towns, independent or graded common school districts is taxed for the support of the public schools of the county (C. Ky. S., 4457); but all of these schools, except schools in cities of the first, second, third or fourth class, are under a sort of care of the county superintendent and should be under the same care of both the superintendent and the county board of education as the schools of sub-districts.

Graded Common School Districts

The General Assembly of Kentucky has recognized the right of the people of a definite district to provide better school facilities for their children than is provided by the state and county school fund. (This right was of course recognized by the granting of special school charters.) Upon petition by 25 per cent. of the legal voters who are taxpayers the county judge will order an election in any district or city or town of the fifth or sixth class on the matter of establishing a graded common school district for white children and of a special levy not to exceed 50 cents on each \$100 of assessed valuation belong-

ing to white persons or corporations, and a poll tax on white men not exceeding \$1.50 each for the support of the school. It may be enlarged or made smaller by a vote; or it may vote itself out of existence.—C. Ky. S., 4464. It may be established so as to take parts of two counties.—C. Ky. S., 4464a. It is controlled by a board of trustees of five members (C. Ky. S., 4471) whose duties are: to provide and hold school buildings and other school property (C. Ky. S., 4471a-1); to employ teachers, fix their compensation and to discharge them in proper cases. Every teacher so employed is required to hold a lawful certificate (C. Ky. S., 4474); to keep or cause records to be kept and to make or have made such reports as are required by law (C. Ky. S., 4474); to call an election for the purpose of voting bonds for school buildings and to levy a tax to pay the interest and create a sinking fund on such bonds (C. Ky. S., 4481a-1); and to levy a special tax of 25 cents on each \$100 of the assessed valuation of property, and to collect all public school taxes.—C. Ky. S., 4482a.

This general law for the establishment of graded common schools does not affect schools with special charters. Any city, town or district may, however, by a majority vote, accept the provisions of the act.—C. Ky. S., 4468a-2. Strange to say, it is possible to have two graded common school districts embracing the same territory—a white district supported by a tax on the property of white persons and corporations, for white children, and a colored district supported by a tax on the property of colored persons, for colored children.—C. Ky. S., 4468a-1. Every graded common school district is required either to maintain a high school of rank equal to that required by law to be established and operated by the county board of education, or else to pay the tuition of its pupils at said county high school.—C. Ky. S., 4464.

These provisions for the establishment, maintenance and support of efficient graded schools by local taxation are in the main good. There is, however, one question which forces itself into consideration and to which attention is called: voting a tax on the property of white persons and corporations for white children only, in a given boundary, is bad policy and must be *not the law*.

County High Schools

The lawmakers of the Commonwealth of Kentucky, realizing that the education obtainable in the ordinary common school of eight grades, was not sufficient, have provided that the county board of education of each county must maintain one or more county high schools, or provide by contract for the teaching of county pupils in a public high school. The county board of education has, therefore, the authority either to employ high school teachers or to contract with

the board of trustees of a public high school for the teaching of county pupils.—C. Ky. S., 4526b-1, 2, 3. When there is only one high school in a county it must be at the county seat.

The report of the state superintendent of public instruction for the year of 1916-17 shows that for that year there were four counties in which no high school pupils were enrolled, and a number of counties in which the enrollment of high school pupils was astonishingly small. An educational system which does not create a demand for at least one high school in every county, and which does not feed into the high schools every year a goodly and increasing number of pupils, is in no small degree inefficient. "By their fruits ye shall know them."

Public School Teachers

Every teacher in a common (public) school in Kentucky is required to hold one of the following certificates: A state teacher's diploma, a state teacher's certificate or a county certificate of the first or second class.—C. Ky. S., 4501.

(a) A state teacher's diploma is granted after a satisfactory personal examination by the state board of examiners. The applicant must be 24 years of age, of good moral character, of two years' experience in teaching in the state and make an average of 90 per cent. on examination. Such diploma is good anywhere in the state until revoked, or the holder fails to teach for five successive years. Its holder is eligible to the office of county superintendent of public instruction.—C. K. S., 4502.

(b) A state teacher's certificate is granted by the state board of examiners after personal examination by such board or after examination, by the county board of examiners (the questions are prepared by the state board of examiners) and the recommendation of said county board. The applicant must average 90 per cent. on examination, have had two years' experience in teaching, be of good moral character and 21 years of age. This certificate is good anywhere in the state for eight years unless revoked or the holder fails to teach for two successive years. It may be renewed at the end of the term for another eight years, but may not be renewed a second time.—C. Ky. S., 4503.

In addition to the state diplomas or certificates, the law provides for certain special state certificates:

1. The State Board of Education has the power to determine the requirements and to issue through the state board of examiners certificates to teach in public high schools. The state superintendent may validate and extend the terms of such certificates to such persons as meet the requirements made by the State Board of Education.—C. Ky. S., 4502a1, a-2.

2. It may grant certificates to teach in public high schools to graduates of approved institutions and standard colleges of agriculture.—C. Ky. S., 4502a-3.

3. It has the power to recognize and validate certificates of other states, C. Ky. S., 4502a-4, and to validate a first class certificate issued by the superintendent of any county in the state (C. Ky. S., 4502a-5), and may in its discretion grant life certificates to teachers who hold first grade certificates and have taught successively for 20 years.—C. Ky. S., 4502a-6.

County Certificates

Examinations for county certificates are held by the board of county examiners. The questions are, however, prepared by the state board of examiners. There are two classes of county certificates—first and second grades. A first grade county certificate is given for an average grade of 85 per cent., and a second for an average of 70 per cent. No teacher with only a second grade certificate may teach in a district numbering more than 75 children. Certificates may not be granted to persons under 18 years of age, and any county certificate may be revoked by the county superintendent for incompetency, inefficiency or immorality.—C. Ky. S., 4503a-1.

The whole matter of certificating teachers demands attention. The county superintendent, the board of county examiners, the state superintendent, the state board of examiners and the state board of education are all concerned in some degree with the granting of teachers' certificates. There could hardly be much standardization with them all taking a hand.

Both the county and the state board of examiners should be abolished. All certificates should be state certificates and should be granted by the state board of education.

Duties of Teachers

Every public school teacher is required to use the adopted textbooks and to enforce all regulations adopted for the conduct of the public schools.—C. Ky. S., 4506. He is required to report at the end of each month to the county superintendent and also to make a full report at the end of the term to the same office.—C. Ky. S., 4505.

Libraries

The law requires that funds derived from the county institute be used in establishing a teachers' library in the office of the county superintendent.—C. Ky. S., 4518. A school trustee may establish and control a library for the children and residents of his sub-district (C. Ky.

S., 4520), but no funds are provided for the purchase of books for such libraries.

Compulsory Education

Every parent, guardian or other person having a child in his control between the ages of seven and 12 years is required to send such child for the full term of the public school unless the child is being taught elsewhere or has been excused by the county board of education because of physical or mental unfitness.—C. Ky. S., 4526c-1. In cities of the first, second, third or fourth class the compulsory period is from seven to 16 years of age, but children 14 years of age for whom lawful work permits have been issued are not required to attend school.—C. Ky. S., 2978c. Any child who is not in attendance at school, as required by law, may be treated as a delinquent child.—C. Ky. S., 4526c-2, 2978c-3.

In cities of the first, second, third or fourth class the county court has exclusive jurisdiction over all cases arising under the compulsory education law (C. Ky. S., 2978c-8), but in other places the county court is given only concurrent jurisdiction with magistrate and police courts.—C. Ky. S., 4526c-5.

Evidences of age are a passport, a transcript of a birth or baptismal certificate, or a record in the family Bible showing the place and date of birth. If none of these is to be had, the record of the first school enrollment may be taken. If there be no such school enrollment, then other evidence.—C. Ky. S., 4526c-6, 2978c-4.

Outside of cities of the first, second, third or fourth class, it is the duty of the teacher to report to the school trustee or chairman of the board the names of such children between the ages of seven and 12 as have been absent from school three days of that week. It is then the duty of the trustee or chairman to investigate each case, and to report the names of such parents or guardians as neglect or refuse to comply with the law to the court for prosecution.—C. Ky. S., 4526c-4.

In cities of the first, second, third or fourth class a truancy officer must be elected by the board of education. The law requires one truancy officer for each 10,000 of the school census. Cities of the first and second class may appoint a chief truancy officer.—C. Ky. S., 2978c-6. It is the duty of each teacher and principal to report to the truancy officer daily, or as the superintendent of schools may direct, the names of such children between the ages of seven and 16 as are absent from the school.—C. Ky. S., 2978c-10. It then becomes the duty of the truancy officer to investigate, and if the child is found to be unlawfully absent, to give notice to the parent or guardian to place the child in school. If such parent or guardian fails, then it is

the duty of the truancy officer to prosecute.—C. Ky. S., 2978c-7. Boards of education in cities of the first or second class are empowered by law to establish and maintain schools for children of compulsory school age.—C. Ky. S., 2978c-11.

Court Decisions

A. Power to Contract

1. Contracts may be made by the county board of education with the trustees of a graded school for the teaching of county pupils who have completed the common school. Such contracts must be in writing.—172 Ky., 424.

2. But neither county boards of education nor other public school board or trustee may contract with a sectarian school and pay for the teaching of high school pupils. The separation between sectarian and public schools must be open and complete.—173 Ky., 708.

3. When a school has been designated as a county high school, the county board of education has full control.—176 Ky., 739.

B. Taxes for Public Schools

1. Taxable property, however assessed, is subject to taxation for schools.—174 Ky., 28.

2. The Mayfield case is a very significant one. Mayfield is a city of the fourth class. The trustees of the colored public school brought an action to recover their part of the school tax derived from corporations. The Court of Appeals held (*a*) that school taxes derived from corporations in a city of the fourth class must be apportioned per capita white and colored; (*b*) the attempt by law to take corporation taxes exclusively for white schools is in contravention of state and federal constitutions and therefore void.—180 Ky., 574.

3. A colored graded school district is entitled to its pro rata part of a railroad or bridge tax.—163 Ky., 568.

4. School funds received by the board of trustees of a graded common school from the state may not be used for building, but must be expended for teaching the children.—132 Ky., 478.

C. Public School System

1. The constitution in requiring separate schools for white and colored children does not require separate systems.—134 Ky., 365.

2. The General Assembly must determine what school system is effective.—134 Ky., 365.

3. The public schools of a city belong to the state and are a part of the public school system. The trustees are officers of the state.—134 Ky., 488.

D. Teachers

1. One who holds a certificate to teach in the public schools is presumed to have the necessary qualifications.—140 Ky., 520.

2. One who teaches in a public school when he has no right to do so cannot recover compensation for his services.—146 Ky., 712.

3. When the sub-district trustee recommends a duly qualified teacher and no reasonable objection is offered, the division board does not have the discretion to refuse to elect (150 Ky., 686); but the division board may refuse to elect a teacher who failed to give satisfaction to a large number of patrons the year previous.—152 Ky., 623.

E. Health

Boards of health may order school children to be vaccinated when there is a reasonable apprehension of an epidemic of smallpox and it is necessary.—169 Ky., 457; 171 Ky., 703.

Discussion

1. The first great need in Kentucky is the providing of more money for the public schools. The minimum county levy should be not less than 30 cents. Railroad and bridge tax should go into the county fund. All property in the county wherever located should be taxed for the general county school fund and such funds should be distributed equitably to each city, town or district, according to daily attendance and class of teachers.

2. The state superintendent of public instruction should be employed by the state board of education.

3. The state board of education should be appointed by the Governor and should be composed of six members. The term of each member should be six years and expire so that it will be both a continuing and experienced body. Its duties should be:

- (a) To elect the state superintendent of public instruction.
- (b) To have the supervision of the public schools.
- (c) To prepare the courses of study and select the textbooks—take over the duties of the textbook commission.
- (d) To prepare questions for examination for certificates and grant all teachers' certificates—take over the duties of the state and county boards of examiners. This should include certificates to all teachers in private or parochial schools receiving children of compulsory age.
- (e) To act as an advisory board to the state superintendent.

4. The county superintendent of public instruction should be employed by the county board of education. He should have the oversight of all public schools and of all private or parochial schools receiving children of compulsory age in his county, except that in

cities of the first, second, third or fourth class having a system of public schools approved by the state superintendent and state board of education, his duties should be turned over to the city superintendent. All other public schools should be under his immediate supervision.

All special school charters should be abolished. Every public school child should be under the general public school law and system.

5. The county board of education might well remain largely as it is, provided provision is made for giving representation to every district in the county, whether city, town, independent, consolidated, common graded or ordinary sub-district. If this is not found to be possible, then a continuing board of three members should be elected—one every two years, and each to hold for a term of four years. The duties should remain largely as they are now, with that of electing the county superintendent added.

6. The act which permits a tax upon the property of white persons and corporations to be voted for schools for white children only should be repealed.

7. Provision should be made for the establishing of libraries in public schools. Perhaps the best plan would be to create a state library fund and a county library fund.

8. (a) The compulsory age should be raised to 16 throughout the state, with the provision that any child 14 years of age who is legally employed may be excused from attendance, with the further provision that every such child shall attend the continuation school when such school has been established. (b) If there is any doubt of the county judge's having exclusive jurisdiction in all cases of truancy, the law should be amended so as to give him absolute and exclusive jurisdiction. (c) The compulsory education law should be made to fit in with the law regulating the employment of children. It should be enforced by a combination probation-truancy officer, who should also supervise the taking of the school census, and grant all work permits. There should be a bureau of attendance in larger cities under the supervision of the chief probation-truancy officer.

9. Free textbooks should be provided for every child.

10. A campaign for better schoolhouses and better teachers should be provided for by the State Board of Education.

III. DEPARTMENT OF LABOR

It is now generally believed that the employment of children at labor affects their physical development. It is known that they are more liable to accidents. If a child is at work he cannot be in school at the same time, and it is cruel to permit a child to try to go to school and work at the same time. Night work for children is particularly condemned.

The administration of all labor laws in Kentucky is placed under the Bureau of Agriculture, Labor and Statistics. The bureau is under the management of the Commissioner of Agriculture, Labor and Statistics, who is elected for a term of four years (C. Ky. S., 31) and may not be re-elected to the office. The purpose of the Bureau of Agriculture, Labor and Statistics and its duties are set out in the act creating it:—

"The efforts of the bureau shall be directed to the promotion of agriculture, horticulture, manufactures and to matters relating to labor and statistics, and the commissioner shall promote and encourage as far as practicable the organization of agriculture and horticultural societies and other associations in the several counties, and ascertain the agricultural, horticultural, mechanical, commercial and educational condition in every county, giving in detail the quantity and quality of land under cultivation, the kinds and amounts and value of the annual field crops, the annual products of orchards, dairies and mines, the quantity and value of domestic manufactures, the kinds, value and increase in live stock, the annual products of mechanical industry and skill, the character of labor employed in mines, factories and the cultivation of the soil and the prices paid therefor, the value of exports and imports, the number of miles of railroads, turnpikes, navigable streams and postoffices and the name of the same in each county; how and by whom turnpikes and other public roads are operated and kept in repair; the name, location and population of cities, towns and villages; the number and value of schoolhouses and churches; the names, capital and purposes of charitable institutions, together with such other vital social, physical and political statistics as he may deem proper and expedient."—C. Ky. S., 33.

The commissioner is required by law to compile a biennial report for the General Assembly upon such matters as come within his jurisdiction. This report must show the average price of land and labor in different sections, its traveling, exporting and educational facilities, with a brief review of matters tending to induce immigration (C. Ky. S., 36); and in addition to the duties already enumerated and others not given, he is required to make a separate biennial report to the General Assembly on labor. He may include in this such recommendations as he deems proper.—C. Ky. S., 33a-5.

Labor Division of the Bureau

The purpose of this report calls for a consideration of the powers and duties of both the bureau and Commissioner of Agriculture, Labor and Statistics on labor matters only, and more especially in relation to children. The commissioner appoints, with the approval of the Governor, two labor inspectors and two assistants. One inspector and

one assistant must be women. The men must have a practical knowledge of machinery and workshops.—C. Ky. S., 33a-1.

It is the duty of the two male inspectors to visit and inspect the various factories; of the two female inspectors to visit and inspect the various factories, laundries, workshops, stores, mercantile, manufacturing and mechanical establishments, hotels and restaurants, telephone exchanges and telegraph offices where women are employed, and it is the duty of any inspector under the direction of the commissioner to report to the commonwealth's and the county's attorney any violation of any law enacted for the protection of women or children.—C. Ky. S., 33a-2. The right of entry for purpose of inspection is given by law.—C. Ky. S., 33a-3. Owners and managers are required by law to furnish to such inspectors information concerning the number and sex of employes, the compensation of each, the amount and kind of work done by each and such other reasonable information as the commissioner may require.—C. Ky. S., 33a-4.

Labor inspectors are forbidden to take any part, interfere or become involved in any strike or similar difficulty.—C. Ky. S., 33a-7. The act does not require any employer to report the number of children in their employ or their ages. Newspaper and printing offices are specially exempt from the provisions of the labor act.—C. Ky. S., 33a-9. While the inspectors are required to make reports of their expenses, they are not required to make reports on the work done. Each labor inspector seems to work in his own way. No authority is given to any labor inspector to begin criminal prosecution for violation of any labor law. Labor inspectors under the commissioner have nothing to do with labor in mines, even where children are employed.—C. Ky. S., 33a-9.

The Bureau of Agriculture, Labor and Statistics and the commissioner in charge of this bureau function in labor matters almost exclusively in the exercise of the right to regulate and supervise labor, through the four labor inspectors. Commonwealth and county attorneys are reported to be not always sympathetic and active in enforcing labor regulations. The activities of the labor inspectors are directed to the oversight of the enforcement of the act regulating the employment of women and children.

A. Working Womens' Law

The provisions of the act regulating the employment of women are:

1. No female under 21 years of age may be employed or permitted to work more than 60 hours a week or 10 hours a day.—C. Ky. S., 4866b-1.

2. No female may be employed or permitted to work in any laundry, bakery, factory, workshop, store or mercantile, manufacturing or mechanical establishment or in any hotel, restaurant, telephone exchange or telegraph office for more than 60 hours a week or 10 hours a day.—C. Ky. S., 4866b-2.

3. Seats and separate, suitable, clean, screened and ventilated toilets must be provided for female employees.—C. Ky. S., 4866b-3, b-4.

4. Employers of females in laundries, bakeries, factories, workshops, stores or mercantile, manufacturing or mechanical establishments or in hotels, restaurants, telephone exchanges or telegraph offices are required to keep a time book for every female employed, which must be open to any state labor inspector.—C. Ky. S., 4866b-5.

The weaknesses of the working women's law are evident to the most casual reader.

1. Women more than 21 years of age may be worked for hours without limit except in enumerated trades, and those under 21 may be worked for 10 hours a day. The eight-hour day is being generally accepted for men even.

2. There are not sufficient inspectors to enforce even this act, saying nothing of the law regulating the employment of children which must be enforced by the same inspectors.

B. Child Labor Law

The administration of the law regulating the employment of children in Kentucky is under the supervision of the Commissioner of Agriculture, Labor and Statistics. It is for the most part in conformity with the better standards of the United States.

1. Children under 14 years of age may not be employed in any factory, mill, workshop, mercantile establishment, store, office, restaurant, hotel, apartment house, theatre, motion picture establishment or in the distribution or transmission of messages or merchandise. No child under 14 may be employed in any service while the public school of his district is in session. No child under 14 may perform or appear in any theatre, motion picture show or place of amusement. The law, however, permits non-resident children under 16 to appear in theatres.—C. Ky. S., 331a-1.

2. Children between the ages of 14 and 16 years may be employed in the places or occupations enumerated in Section 1 only if a work permit is kept on file by the firm or person employing the child and two lists of all children under 16 employed are also kept. One of these must be posted. Every work permit must be returned by the employer to the issuing officer within ten days after the termination of the employment. Labor inspectors may demand proof of age of children who appear under 16 but for whom no work permit has been

procured. Such proof must be made in the manner prescribed by law for procuring a work permit.—C. Ky. S., 331a-2.

3. Legal employment certificates must be issued by the local superintendent of schools if there is one. If there is none, then by the county superintendent of schools or by a person authorized by him.—C. Ky. S., 331a-3. When there is a local superintendent of schools, neither the county superintendent nor anyone authorized by him has any authority to issue a work permit. The law permits the county superintendent to authorize another to issue work permits, but does not require the person to be authorized in writing by him.

4. Work permits may be issued only after the child, accompanied by his parent, guardian or custodian, has appeared in person and a school record and proper evidence of age has been filed:

(a) A birth certificate or transcript thereof.

(b) A record of baptism or a legal transcript thereof.

(c) A *bona fide* record kept in the Bible, or other documentary evidence, as a passport or life insurance policy. Such documentary evidence must have been in existence for one year previous. School records and affidavits of parents, guardians or custodians may not be accepted as proof of age.

(d) In case none of these are to be had, proof of age may be made by filing the certificate of a public health officer or public school physician, showing what, in his opinion, is the physical age of the child and the grounds upon which his opinion is based. The physician may require the certificate or affidavit of the parent, guardian or custodian, or a school census record, and attach the same to his certificate.

The issuing officer must also require and file a statement from the proper person showing that he is about to employ the child and the nature of the work. Employers who procure and keep on file proper work permits for children under 16 may not be prosecuted under the provisions of the act.

The superintendent of schools, whether local or county, is required to transmit at the first of each month to the office of the labor inspector the names of all children to whom permits have been issued or denied during the month previous. Labor inspectors have authority to suspend any certificate temporarily, but the commissioner must pass upon such suspension and may uphold or veto it.—C. Ky. S., 331a-4.

There are a number of interesting matters in this section of the act which is in fact an amendment to the original act:

(a) The papers required by law to be filed are not required to be kept in any office.

(b) Work permits are not made in triplicate or even in duplicate. Simply the names of the children are transmitted to the office of the

labor inspector. Work permits should be issued in triplicate—one copy for the employer, one for the state officer, and one for the issuing office. Upon the termination of the employment and return of the permit by the employer it should be marked "cancelled". Then it should be forwarded to the office of the state inspector after the one in the office is marked "cancelled". This will make a complete history of each case, and the state office will hold the closing record.

(c) The original law provided for a certificate of a physician not only as to the age of the child but as to his physical fitness to do the work at which he was to be employed. Just at the time when most of the country was going forward in health matters, Kentucky went back by repealing this provision. This is unfortunate, was undoubtedly an oversight and should be corrected. .

5. The school record as required by law is a statement signed by the principal or chief teacher of the last school attended by the child, showing that such child attended school 100 days the year previous and is able to read and write simple English and has completed the first five grades of the common schools or the equivalent. If no school record is to be had the issuing officer may examine the child, and if he finds that his education is equivalent to a completion of the first five grades, may issue the work permit.—C. Ky. S., 331a-5.

6. All forms necessary for the carrying out of the act must be furnished by the state superintendent of public instruction.—C. Ky. S., 331a-6.

7. Children under 16 years of age may not be employed for more than six days or 48 hours a week, nor more than eight hours a day, nor before 7 a. m., nor after 6 p. m. Notice of the time for beginning and quitting work and of the time allowed for meals must be posted.—C. Ky. S., 331a-7.

8. Truancy officers may visit mines and all places enumerated in Section 1 of the act. Complaints except as to the employment of children in mines are brought by the labor inspector. The state mine inspector and his assistants bring complaints for the employment of children in mines.—C. Ky. S., 331a-8.

9. Children under 16 years of age may not be employed in certain enumerated industries or in mines, quarries or coke ovens, or in any occupation dangerous to life or limb or injurious to health and morals.—C. Ky. S., 331a-9.

10. No child under 18 may be allowed to clean machinery while it is in motion. Whoever employs a child under 21 is required to safeguard all machinery.—C. Ky. S., 331a-10.

11. In cities of the first, second or third class no child under 20 may be employed as a messenger before 6 a. m. or after 9 p. m.—C. Ky. S., 331a-11.

12. No girl under 21 may be employed where the work requires her to stand constantly.—C. Ky. S., 331a-12.

13. Labor inspectors have authority to order any room in which minors are employed to be cleaned and painted when conducive to health or cleanliness.—C. Ky. S., 331a-13.

14. A copy of the entire act is required to be posted in each establishment.—C. Ky. S., 331a-14.

15. Boys under 14 and girls under 18 may not be employed in any city of the first, second or third class in peddling, bootblacking, in the distribution of printed matter, or in any other occupation carried on in a street or public place. Boys between 14 and 16 years of age are permitted to work in such occupations in such cities under the following conditions:

(a) Boys between 14 and 16 years of age may obtain a street work badge just as in case of work permits, and may then engage in street trades from 6 a. m. to 8 p. m.

(b) Boys between 14 and 16 years of age may obtain a street work badge without filing the required educational certificate. Such badges authorize boys to engage in street trades after 6 p. m. and until 8 p. m. during the hours when the public school is not in session.—C. Ky. S., 331a-15.

Workmen's Compensation Law .

Kentucky has a workmen's compensation law. It is administered by the workmen's compensation board, and is in no way under the supervision of the Commissioner of Agriculture, Labor and Statistics, but, inasmuch as the administration of workmen's compensation does affect the lives of children, certain sections of the law should be considered in this report.

Minors Under the Act

Minors, except when employed in willful violation of law regulating the employment of children, are deemed to be *sui juris*. No person except those named in the act can recover for the injury or death of such minor employe.—C. Ky. S., 4892.

Dependents

A child under 16 years of age, or over, if unable to work, is held to be wholly dependent upon the parent with whom he lives or by whom he is actually supported. A child, even if not living with the person injured, may be a dependent if a child, grandchild, brother or sister; compensation ceases at the marriage of the dependent.—C. Ky. S., 4894.

The term child includes children, stepchildren, legally adopted

children, posthumous children, and recognized illegitimate children, but not married children unless actually dependent.—C. Ky. S., 4895.

Illegal Employment of Minors

If any minor, employed in violation of any law regulating the employment of children, is injured or killed while employed, his guardian or personal representative may claim compensation under the workmen's compensation act or bring suit in the courts; but the selection of one of the two courses bars all rights under the other.—C. Ky. S., 4911.

Court Decisions

Damages for Injury to Child

1. The law regulating the employment of children was considered by the Court of Appeals in the case of *L., H. & St. L. Railway Co. vs. Lyons*. The case turned upon a single instruction by the judge of the Circuit Court that if the jury believed that the boy was under 16 years of age and that the employment was dangerous to life or limb they should find for the plaintiff. The Circuit Court of Appeals, in affirming the judgment of the lower court, held:

(a) That the burden is on the employer of a child under 16 to get a statement from the county physician or city health officer that the employment is neither dangerous nor injurious.

(b) The General Assembly has the power to delegate to agents the right to determine certain facts; in this case, the county physician or city health officer. When a child under 16 years of age is employed in a dangerous and therefore prohibited employment and the employer has failed to protect himself in the manner prescribed by law, by getting the statement, the doctrine of assumption of risk or of the acts of a fellow servant does not apply.

(c) The court said that the unlawful act of the employer in placing the child at work forbidden by law was the cause of the injury. —155 Ky., 396.

2. The decision in the *Lyons* case was reaffirmed in the case of the *Starnes Coal and Lumber Co. vs. Tuggle*. A boy, *Tuggle*, under 16 years of age, brought suit for damages for injuries received in a coal mine. The Court of Appeals, in affirming the judgment of the circuit court for damages, held:

(a) That when the employer of a boy under 16 years of age is advised of the fact that the boy is under 16 years and is warned not to employ him at work at which he was injured, damages may be recovered for such injury.

(b) When a child under 16 years of age is employed in a mine

and is injured, even by the negligence of a fellow servant, the child may recover damages.

(c) When a child under 16 is employed in a mine it is not necessary to show negligence on the part of the employer. The deduction runs: unlawful employment; injury; damages.—156 Ky., 714.

3. When a child under 16 is put to work at a laundry mangle and is injured the employer is liable. The unlawful employment is the proximate cause of the injury.—142 Ky., 314.

Discussion

1. *Department of Labor*

A great need in Kentucky is a Department of Labor, presided over by a commissioner of labor. There is so much that needs to be done in connection with labor in the state that the full time of a commissioner will be required. The commissioner of labor should be selected and his compensation fixed by the state labor board. The state labor board should be composed of three members. Each member should be appointed by the Governor with the advice and consent of the Senate, one every two years. In addition to electing the commissioner of labor, the state labor board should have the supervision of all labor matters. The state mine inspection should be placed under the supervision of the state labor board and under the direct supervision of the commissioner of labor. The General Assembly should provide a sufficient number of efficient labor inspectors to do the work.

2. *Working Women's Law*

Such amendments as should be made to the law regulating the employment of women have already been pointed out in this report. Eight hours should be declared to be a day and 48 hours a week for all women in all employment, and it should be made unlawful to employ any woman under 21 years of age at any employment except domestic service and nursing after 6 p. m. or before 7 a. m.

3. *Child Labor*

With a few amendments and with proper enforcement, Kentucky would have an excellent child labor law. A larger force of inspectors for the enforcement of all laws regulating the employment of women and children should be provided, and the child labor law and the compulsory education law should be fitted in together.

(a) No child under 16 should be employed at any work during the hours when the public school is in session unless he is 14 years of age, has completed the course of study prescribed for the first six years of the public schools and is lawfully employed. Children between

the ages of 14 and 18 who are at work should be required to attend the continuation school for at least four hours weekly when such school has been established.

(b) Work permits should be issued in triplicate, and a record of each should be kept both in the county and state offices.

(c) The county probation-truancy officer should issue all work permits.

(d) A certificate of physical fitness should be required for every work permit.

(e) The probation-truancy officer should be required to follow up every working child to see that he is not being injured by the work. A physical examination of every child at work under a permit should be made at least once a year.

(f) Provision should be made for vacation work permits different in form and color. In granting these, educational requirements only should be waived.

IV. DEPARTMENT OF PUBLIC WELFARE

For the purposes of this report a Department of Public Welfare is a part of the state government specifically charged with the duty of looking after the interests of those children who are in need of care and attention by reason of unusual conditions. The following classes of children come, or should come, under the care of a State Department of Public Welfare:

1. Crippled children.
2. Insane, feeble-minded and epileptic children.
3. Blind children.
4. Deaf and dumb children.
5. Dependent children.
6. Delinquent children.

To this group should be added Mother's Aid and Home Finding Societies which will be considered as a subdivision of No. 5.

Before entering into a study of these different groups it is necessary to say once and for all that there is in Kentucky no State Department of Public Welfare. There is no state officer or bureau charged with the duty of either looking out for all these unusual children or of supervising those who undertake to care for them. The whole business of child-caring is left unorganized and unsupervised, except for a very limited authority given by law to the Kentucky Children's Home Society.—C. Ky. S., 331c-2.

1. CRIPPLED CHILDREN

There is no state institution for the care and treatment of a crippled child. There is no law making any provision for the treatment of such children. The public school census contains no record

of such children even where the physical disability is such as to prevent the child's attending the public school. No state or county agent is required to make any inquiry into the child's physical condition.

This is one of the matters to which the General Assembly should give attention. There should be in every county a county superintendent of public welfare, and one of his or her duties should be to visit every family having a child reported in the school census as physically unable to attend school and to advise such family as to proper treatment. The state should make provision whereby crippled children may receive treatment regardless of the parent's ability to pay for it.

2. INSANE, FEEBLE-MINDED AND EPILEPTIC CHILDREN

The State of Kentucky has an institution for the feeble-minded. The law declares that it shall be a training school for feeble-minded and epileptic persons. The law also provides for a farm colony for such persons (C. Ky. S., 272a-2), and declares that the purpose of these institutions is to provide for the mental and physical training of feeble-minded and epileptic persons and to promote their happiness and to provide for the study of mental deficiency. The care and training must be directed to making each of the inmates happy and as nearly self-supporting as possible.—C. Ky. S., 272a-13. It is managed by the State Board of Control.—C. Ky. S., 272a-4. Any feeble-minded or epileptic person more than six years of age may be admitted to the institution.—C. Ky. S., 272a-12.

Kentucky allows out of the state treasury \$70 per year for the keep of each pauper idiot (C. Ky. S., 364); but the act of 1918 requires that all males between the ages of six and 18 years and all females between six and 45 years of age be committed to the institution for the feeble-minded, if there be room; except that persons already placed on the allowance list for a five-year period may complete the term.—C. Ky. S., 272a-21. No allowance may be made to run after January 1, 1921 (C. Ky. S., 272a-22), and no allowance may be made for a child under eight years of age.—C. Ky. S., 272a-23.

Circuit courts have jurisdiction of commitments to the institutions for the feeble-minded and epileptic, but commitment may be made by the county judge when the circuit court is not in session. No commitment may be made without inquiry by the court, and a trial by jury may be had either by demand or order of the court.—C. Ky. S., 272a-15.

No feeble-minded person may be kept in any poorhouse if there is room in the feeble-minded institution for such persons.—C. Ky. S., 272a-31. It is the duty of health officers and public health nurses to begin proceedings for the segregation and custody of feeble-minded persons likely to become fathers or mothers.—C. Ky. S., 272a-30. In-

mates with property or with relatives liable are required to pay for their care, the amount being fixed by the Board of Control.—C. Ky. S., 272a-34. Inmates of the institution are discharged upon the certificate of the superintendent; but the judge of the county from which the inmate was committed may order his discharge.—C. Ky. S., 272a-36.

It is a matter of interest in consideration of the fact that for the most part all orphanages and child-caring societies are without supervision that the State Board of Control has a sort of supervision over private institutions caring for feeble-minded, epileptic or insane persons. Every institution caring for such persons is required to obtain a license from the State Board of Control, and such license can be granted only after an examination of the premises by the board, and it must be satisfied that the equipment is suitable. It has the power to examine such private institutions at any time and may after notice revoke any license.—C. Ky. S., 272a-28.

The law nowhere requires that a record be kept of children unable to attend school with profit because of the fact that they are said to be feeble-minded, epileptic or insane.

The name and residence of every such child should be known and enrolled in the school census. The county superintendent of public welfare should be required to look up each case and to take steps for the care of the child. When the child is found to be epileptic, insane or feeble-minded, he should, of course, be placed in an institution.

3. BLIND CHILDREN

Again one comes upon a defect in the public school law. A census of blind children is not required to be taken. A school census record of every blind child should be made and the county superintendent of public welfare should be required to follow up every blind child in his county for the purpose of seeing that he is properly cared for and trained.

Kentucky has established a school for the blind. It is located in Louisville and is under the management of a board of five visitors appointed by the governor with consent of the senate, each for a term of four years. The superintendent and all other officers and employees are employed by the board of visitors, which has the right to fix the compensation of each employe and to make rules and regulations for the conduct of the institution.—C. Ky. S., 301.

4. DEAF AND DUMB CHILDREN

In the matter of taking the school census there is a weakness in the law just as in the case of crippled, feeble-minded or blind children. No school census report of deaf and dumb children is required by law. What has been said in regard to the other classes of abnormal

children applies to these. A special report of all deaf and dumb children should be made, and it should be the duty of the county superintendent of public welfare to follow up the cases in his county. The law does require parents and guardians to send all deaf children between the ages of seven and 18 years to a school for the deaf for the full term.—C. Ky. S., 298f-1. Children who are not in proper mental or physical condition are exempt.—C. Ky. S., 298f-2.

Kentucky has a school for the deaf located at Danville. It is controlled by a board of commissioners, 12 in number.—C. Ky. S., 273. Each member is appointed by the governor with the consent of the senate for a term of six years. The terms of one-third of the members expire every two years.—C. Ky. S., 274.

Indigent children are received at the expense of the state. When more children than can be received seek admittance the board is required to apportion the number to be received to the different counties.—C. Ky. S., 284. But indigent pupils are to be kept in the institution at the expense of the state for five years only.—C. Ky. S., 287.

The law makes it the duty of the school for the deaf to receive any deaf child sent to such institution unless:

1. There is no room for the child.
2. The physical condition is such as to prevent study or to constitute a menace to the health of other pupils.
3. The child is mentally deficient.
4. The habits of the child are such as to constitute a detriment to the pupils of the institution.—C. Ky. S., 298f-8.

There is need of a state superintendent of public welfare to have the oversight of these very unusual cases. Kentucky should provide sufficient room for every deaf child. If the child's physical condition is such as to prevent attendance upon the school, then some public official should see to it that such child receives proper treatment. If the mental condition is such as to prevent attendance, the child belongs either in the insane asylum or the school for the feeble-minded, and there should be an official to give attention to this. If the child has such habits as make him a menace to the school there is certainly good reason for not permitting him to remain free to roam over the county. A special ward should be provided for the training of such children.

5. DEPENDENT OR NEGLECTED CHILDREN

6. DELINQUENT CHILDREN

These two classes should be considered together because of the fact that the same act (C. Ky. S., 331) covers both cases.

A dependent or neglected child is a boy under 17 or a girl under 18 years of age, who begs or receives alms, or who sings or plays upon a street or in a public place for gain, who wanders about without a

home, guardianship, or means of support, or who is destitute, or homeless, abandoned or dependent upon the public for support, or who has not proper parental care, or whose home by reason of neglect, cruelty or depravity is unfit, or who lives in a house of ill-fame or with a vicious or disreputable person.—C. Ky. S., 331e-1. A liberal interpretation of this part of the act (and the policy of the courts of the state is to interpret laws enacted for the care or protection of children liberally) will make it apply to any child in need of care because of neglect or because he is dependent upon the public for a living.

A delinquent child is declared by law to be any boy under 17 or any girl under 18 years of age, who violates any law; or is incorrigible; or who without cause or consent runs or stays away from home; or is growing up in idleness or crime; or who patronizes or visits any policy shop or gaming place, or place where intoxicating liquors are sold, or any pool-room or bucket shop; or wanders about the streets at night without lawful business, or about railroad yards, jumps on trains or enters cars or engines without authority; or who is persistently truant.—C. Ky. S., 331e-1. This part of the act is ample for the covering of every child who should be declared delinquent.

The county court sitting in juvenile session has exclusive jurisdiction over all dependent, neglected or delinquent children. A special juvenile record is required to be kept, but except in cities of the first class a special court room for the hearing of cases of children is not required. The clerk of the county court is required to make a yearly report of all cases handled in the juvenile sessions to the governor of the state. No extra compensation is provided by law for the judge of the county court who sits as judge of the juvenile sessions. The fiscal court may make an allowance to the clerk. Trial by jury may be had on demand or upon the judge's own motion.—C. Ky. S., 331e-2. Every county court has the authority to appoint one or more volunteer probation officers to serve without compensation. In counties having a city of the first class the county judge may appoint a chief probation officer and one or more assistants. These are salaried officers.—C. Ky. S., 331e-3. Any reputable person may begin a proceeding to have a child declared dependent, neglected or delinquent by a verified statement to the clerk of the county court. Thereupon a summons will be issued directing the parent, guardian or person having the child in charge to bring it into court. The parent, guardian or near relative must have notice. Failure to heed the summons may be declared to be contempt of court. A warrant may be issued for the person having the child in charge or for the child himself to the end that the child may be brought into court. Until a hearing is had the judge may place the child in the care of the probation officer, in the care of his parent or guardian, or he may be placed in a detention school. Detention homes or schools are required to be estab-

lished in each county with a city of the first class. It is absolutely unlawful to confine any child under 14 years of age in any county jail or police station.—C. Ky. S., 331e-4. Whenever any boy under 17 or any girl under 18 years of age is arrested it is the duty of the officer making the arrest to carry such child to the county (juvenile) court. If any child is brought before a justice of the peace or police magistrate such child must be transferred to the county (juvenile) court. The court may in its discretion permit a delinquent child to be tried in the ordinary criminal court for the commission of a crime.—C. Ky. S., 331e-5.

Where a child has been found by the court to be delinquent the juvenile judge may make one of several dispositions. He may allow the child to remain at home subject to supervision by the probation officer under the order of the court. If the parents consent, or even without such consent, the court may place the child in a suitable home or board it in a suitable home, in case arrangements are made for payment of the board by voluntary contributions. Or the court may send a boy to the House of Reform for Boys or a girl to the House of Reform for Girls, or to any other state, city or county institution, or to a private institution or association organized to receive and care for such children. No child may be committed for a term beyond the age of 21. The institution has the power to release the child with the approval of the county court. The county court has the right to recall the child and to release or place on probation.—C. Ky. S., 331e-7.

The county court may make disposition of a child declared to be dependent or neglected in the same manner as of a delinquent child, as set out above, except that no dependent or neglected child may be committed to an institution or association receiving and caring for delinquent children unless provision is made for separating delinquent from dependent or neglected children. Dependent or neglected children are committed for such term as the court sees fit. They may be recalled and the orders set aside or changed as the court sees fit.—C. Ky. S., 331e-9.

Children, whether declared to be delinquent, dependent or neglected, when found to be in need of treatment may be placed in a private hospital or institution provided that it is without charge to the county. The parents or the guardian must consent to the examination of the child.—C. Ky. S., 331e-8. All girls committed to any institution must be carried to and from the same by a woman attendant.—C. Ky. S., 331e-10.

The law specifically declares that a child taken away from his home must be returned to that home as soon as it is a suitable place for the child. The policy of the law is to keep the child away from his home, parents or guardian so long only as is necessary to preserve the interests of the child and the public.—C. Ky. S., 331e-11. The

court may require any person, institution or association to whom a child has been committed to report.—C. Ky. S., 331e-12. Parents of any child declared to be delinquent, dependent or neglected are to be required to contribute to the support of such child such amounts as are ordered by the court. Security for this may be required.—C. Ky. S., 331e-15.

Advisory Board of the Juvenile Court

The county judge has the authority to appoint an advisory board of not fewer than six or more than 10 members. These serve without compensation. Their duties are to visit once a year at least every institution, society or association in their county receiving children, to make an annual report of any such visits to the county judge, and to advise and co-operate with the judge of the county court in carrying out all the provisions of the act.—C. Ky. S., 331e-19.

Duties of Probation Officer

The act sets out at length the duties of a probation officer. He must make a full investigation of every case brought to the attention of the court before hearing. The act does not authorize investigation before a petition to have the child declared to be delinquent, dependent or neglected is filed. The result of the investigation must be presented in writing to the county court, and becomes a part of the record. He takes charge of the child pending the hearing, is present at the hearing in the interest of the child, and advises with the court; follows up all children placed out by the court on probation and makes a report of such follow-up work to the court. In counties where there is a chief probation officer, all probation work is of course done under his direction. In such counties every child placed out on probation must be visited twice a year by a probation officer, unless the court orders otherwise. It is the duty of the probation officer to notify the court of the end of the period of probation. The court will thereupon make further orders or discharge the child.—C. Ky. S., 331e-20.

Contributing to Delinquency

It is unlawful for any parent, guardian or other person having a child in charge to encourage, or cause, abet or connive at his delinquency, dependency or neglect.—C. Ky. S., 331g-1. Trial by jury may be had on demand.—C. Ky. S., 331g-2. The county courts have exclusive jurisdiction in such cases.—C. Ky. S., 331g-3. This is really therefore a part of the juvenile court act. The probation officer is not given any investigational authority in such cases, however.

Mothers' Aid for Dependent Children

The laws of Kentucky make no provision for granting aid to mothers or parents who are unable to provide for their children. The county court does, however, have the authority to make allowance to paupers.—C. Ky. S., 3933. The practice in some counties is to make such allowance for the benefit of children when in need.

Home-Finding Societies

For the most part the work of finding or providing homes for children and all orphanage work is unsupervised. For this report two home-finding societies should be mentioned because of the fact that both receive some public funds through appropriation by the General Assembly.

1. *The Kentucky Children's Home Society*

This is a private home-finding society to which the General Assembly appropriates \$50,000 annually.—C. Ky. S., 331b-1. For the year ending June 30, 1918, it received \$13,035 from other sources. (See *Child Welfare Work in Louisville* by Dr. Slingerland, page 15.) The law gives this society a sort of supervisory control over unfortunate, dependent and delinquent children.—C. Ky. S., 331c-2.

2. *Kentucky Home Society for Colored Children*

This society receives \$5,000 annually from the state treasury. It is run exclusively for colored children. (See *Child Welfare Work in Louisville* by Dr. Slingerland, page 32.)

Court Decisions

The question of jurisdiction of children within the age of the juvenile court law was considered by the Court of Appeals in the case of *Com. vs. Franks*, reported in 164 Ky., 239. The court held: That the county court may permit the child to be proceeded against as a criminal, and that within the terms of the act the county court has exclusive jurisdiction, and that the act applies to every boy under 17 and every girl under 18 years of age who violates any law.—164 Ky., 239.

The circuit court has no jurisdiction over a child unless the proceeding was begun in the county court. This is true even in case of murder.—171 Ky., 457. The age of the child at the time the offense was committed determines whether or not he is to be proceeded against as a delinquent.—171 Ky., 22.

Discussion

1. A State Department of Public Welfare or Child Welfare should

be created by the General Assembly. A Department of Public Welfare is to be preferred for the reason that the department may well perform duties other than supervising the care of children. The department, whatever it is to be called, should be controlled by a board of five or seven members, each appointed by the governor with the consent of the senate for a term of six years. The expiration of their terms should be arranged so that the board will be a continuing and experienced body. Their duties with reference to children should be:

a. To elect a commissioner of public welfare and to fix his compensation.

b. To have the supervisory care of all crippled, insane, feeble-minded, epileptic, blind, deaf and dumb, dependent, neglected and delinquent children.

c. To have the supervision of every child-caring and home-finding institution or society, state, county, municipal or private, and to inspect, control and license every such private institution or society. All the powers now exercised by the Board of Control over state or private child-caring institutions should be transferred to the state board of public welfare.

d. To receive by commitment and place out children. The two home-finding societies receiving state aid might well become the home-finding parts of the board and all home-finding work placed under the care of the head of the Kentucky Children's Home Society. The state is now expending a large sum of money through this society. The work done by both should be either state or private.

e. To supervise the administration of mother's aid for the benefit of children, whenever such aid is provided by law.

f. To certificate and approve county superintendents of public welfare.

The members of this board should serve without compensation except actual expenses. The commissioner of public welfare should be the executive officer of the board.

2. There should be in every county a County Board of Public Welfare, composed of three or five members, each serving for a term of four years. Their terms should expire so that the board will be always a continuing and experienced body.

The duties of the County Board of Public Welfare should be:

(a) To select the county superintendent of public welfare, who should be approved by the state commissioner of public welfare.

(b) To have the care of all children in the county placed by law under the care of the Department of Public Welfare.

3. The duties of the county superintendent of public welfare should be:

- (a) To have the supervision of the school census.
- (b) To act as truancy officer for the enforcement of the compulsory education act.
- (c) To issue all work permits and to follow up all working children to see that they are not injured by the work and are attending the continuation schools where established.
- (d) To act as probation officer for the juvenile court.
- (e) To have the oversight of every child placed by law under the care of the State Board of Public Welfare.

In larger counties assistants will have to be provided, but in smaller counties the county superintendent of schools might well act as the county superintendent of public welfare when approved by the State Board of Public Welfare.

4. The advisory board to the county court acting as a juvenile court should be abolished. The County Board of Public Welfare should take its place.

5. *Mothers' Aid for Dependent Children*

Provision should be made for granting out of the public funds of the county aid to needy mothers for the benefit of children under 16 years of age. This should be administered by the county board of public welfare. In no case should aid be granted until after investigation by the county superintendent of public welfare. No aid should be granted by the fiscal court except upon the recommendation of the County Board of Public Welfare. Before any steps, however, are taken to provide for mothers' aid it would be well to have a further investigation of the whole matter, as suggested in the report on Juvenile Courts.

Provision should be made for a commission to investigate and study further all matters relating to or bearing upon the welfare of all the children. The state should go seriously and with determination into the business of growing strong men and women.

National Child Labor Committee

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